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The President

PROCLAMATION OF A STATE OF WAR BETWEEN BULGARIA, ON THE ONE HAND, AND YUGOSLAVIA AND GREECE, ON THE OTHER HAND
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 1 of the joint resolution of Congress approved November 4, 1939, provides in part as follows:

"That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war."

AND WHEREAS it is further provided by section 13 of the said joint resolution that

"The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that, Bulgaria having without justification attacked Yugoslavia and Greece, a state of war exists between Bulgaria, on the one hand, and Yugoslavia and Greece, on the other hand, and that it is necessary to promote the security and preserve the peace of the United States and to protect the lives of citizens of the United States.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 24th day of April, in the year of our Lord nineteen hundred and forty-one, [SEAL] and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2479]

[F. R. Doc. 41-3053; Filed, April 25, 1941; 11:11 a. m.]

Rules, Regulations, Orders

TITLE 30—MINERAL RESOURCES CHAPTER III—BITUMINOUS COAL DIVISION

PART 308—REPORTS AND RECORDS

Pursuant to the provisions of the Bituminous Coal Act of 1937,

It is ordered, That Parts 308 and 309 be and the same are hereby amended by substituting the following part:

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- 308.21 Changes in name of producer, in ownership, etc., and other information.
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§ 308.1 *Amendment and saving clause.* All of Parts 308 and 309 of Title 30, Chapter III, are hereby amended as hereinafter set forth: *Provided, however,* That any report or record required to have been filed or maintained by any of the sections of said original Parts 308 and 309 prior to April 1, 1941, shall be filed or maintained in accordance with said original sections, notwithstanding any discrepancy between the section numbers of the original Parts 308 and 309, and Part 308, as herein amended. Nothing herein shall be construed to supersede any provisions of the Marketing Rules and Regulations as to the filing of any reports or information therein required.*

*§§ 308.1 to 308.22, inclusive, issued under the authority contained in sec. 2 (a), 50 Stat. 72; 15 U.S.C., Sup., 829 (a). Authority for the issuance of particular sections is noted in parentheses at the end of such sections.

§ 308.2 *Penalties.* Persons failing to comply with the requirements of this part shall be subject to the appropriate penalties prescribed by the Act, the Bituminous Coal Code, and the Rules and Regulations for Registration of Distributors and Registration of Farmers' Co-operative Organizations. Persons filing false or incomplete data or reports are subject to criminal penalties as provided in section 35 of the Criminal Code as amended by the Act of June 18, 1934, Chap. 587, Stat. 996 (U.S.C. Title 18, section 80), and other provisions of law.*

§ 308.3 *Confidential nature of reports.* All data filed in conformity with this part, declared by the Act to be confidential, shall, to the extent provided in the Act, be held by the Division and its Statistical Bureaus as the confidential information of the person filing such information.* (Sec. 4 II (a) and 10 (a), 50 Stat. 76, 87; 15 U.S.C. Sup. 833 (a), 840 (a).)

§ 308.4 *Forms; where obtained.* Wherever a form for making any report under Part 308 has been prescribed by the Division, a supply of such forms may be obtained upon request at the Statistical Bureaus of the Division or the Washington Office of the Division, 734 15th Street NW., Washington, D. C.*

§ 308.5 *Definitions.* For the purposes of this part:

(a) The term "control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract or otherwise.

(b) The term "affiliate" means the existence of a relationship between two per-

sons (individuals, firms, associations, corporations, or other entities) whereby they are under common control.

(c) The term "retailer" means a person who sells or resells coal in any quantity and who physically handles such coal at any point between the producers' loading facilities and the point at which the coal is delivered to the ultimate user thereof, except that a person, falling within the category set forth in the proviso to the definition of a "distributor" in § 304.10 (a)¹ shall not be considered a retailer for the purposes of reporting transactions falling within the terms of said proviso.

(d) The term "retail yard" means any team, rail or track yard or other storage facility operated by a "retailer" as defined in § 308.5 (c).

(e) The term "contract" shall be deemed to include every agreement providing for the sale of coal covering shipments to be made during a period of more than thirty (30) days from the date of the contract.

(f) The term "spot order" shall be deemed to include every sale or agreement providing for the sale of coal, covering shipments to be made during a period of thirty (30) days or less from the date of the order.

(g) The terms "contract" and "spot order" shall in each case be deemed to include every agreement, supplemental agreement, credit memorandum, or any other understanding of the parties affecting the price, tonnage, terms of payment, or terms and conditions of delivery of said coal.* (Sec. 4 II (a), 50 Stat. 76; 15 U.S.C. Sup. 833 (a).)

§ 308.6 *Cost reports; mines with daily capacity of 50 tons or more.* (a) Each producer of bituminous coal, whether or not a code member, and whether or not engaged in commerce in coal which is subject to the provisions of section 4 of the Bituminous Coal Act of 1937, whose mine or mines have a present actual daily capacity of fifty (50) net tons or more, or who ships directly by rail or river, regardless of the daily capacity of such mine or mines, shall file, in duplicate, complete reports of the total costs of the tonnage produced at each such mine, and such other data relating to production tonnage, as hereinafter provided.

(b) Said reports shall be filed at the office of the Statistical Bureau of the Division for the District in which the reporting mine is located within the time hereinafter prescribed.

(c) Commencing with the month of January 1940, monthly reports shall be made on and in conformity with "BCD No. 288 (March, 1940) Cost Form No. 4," and in conformity with the "Manual of Instructions for Compiling Reports on Cost and Production Tonnage," as more

¹ 5 FR. 2346.

specifically set forth in said Cost Form No. 4 and said Manual of Instructions, which form and manual were adopted by the Division on March 12, 1940, and by this reference incorporated herein and made a part of this Section. Copies thereof are available at the office of each statistical bureau of the Division and at the offices of the Division in Washington, D. C.

(d) A separate report shall be made for each mine. The report for each month of the year 1940 shall include all cost and tonnage data, not only for the single month period but also data which is cumulative from January 1, 1940, and each monthly report made during each succeeding calendar year shall likewise be cumulative from the first day of such calendar year.

(e) Reports for the month of January, 1940, shall be filed on or before June 1, 1940; reports for the month of February, 1940, shall be filed on or before June 11, 1940; reports for the month of March, 1940, shall be filed on or before June 21, 1940; reports for the month of April 1940, shall be filed on or before July 1, 1940; reports for the month of May, 1940, shall be filed on or before July 11, 1940; reports for the month of June, 1940, and the succeeding months shall be filed on or before the 25th day of the month following the month covered by the report.

(f) A report shall be filed for each mine which was maintained or operated during any part of the calendar year: *Provided, however,* That when a mine is permanently closed, dismantled, or abandoned, the Director may, upon a showing of such facts, authorize the discontinuance of further reports.

(g) In the case of any mine which is not in operation in any part of the calendar year, such fact shall be shown on the report and only such data as will show the cost of ownership and of maintenance shall be reported.

(h) In the case of any mine, whose costs are not considered by the producer to be normal operating costs, by reason of the fact that the mine is in the development stage or in the process of dismantling, such facts shall be reported.

(i) Each report shall be certified as being correct by the producer, if an individual, or by a member of the firm, if a partnership, or in the case of a corporation by a responsible officer thereof who is familiar with the facts, except that the report for the month of December of each calendar year shall be submitted under oath.* (Sec. 10 (a), 50 Stat. 87; 15 U.S.C. Sup. 840 (a))

§ 308.7 Costs—Mines with daily capacity under 50 tons; production and mine operation for all mines. (a) Each producer of bituminous coal, whether or not a code member, and whether or not engaged in commerce in coal which is subject to the provisions of section 4 of the Bituminous Coal Act of 1937, shall file, on the appropriate form hereinafter designated, and in the manner hereinafter

after set forth, a report of production and other items relating to mine operation, as more fully described in said appropriate form. Each of the hereinafter designated forms is by this reference incorporated herein and made a part of this section.

(b) For each mine having rail or river connections regardless of the amount of daily average production, and for each mine having a daily average production of more than fifty (50) net tons irrespective of whether it has rail or river connections, the reports required by this section shall be filed on Form B.C.D. No. 453, T-1.

(c) For each mine without rail or river connections, having a daily average production of less than fifty (50) net tons, the report herein required shall be made on Form B.C.D. No. 454, T-2.

(d) The reports required to be made on Form B.C.D. No. 453, T-1, and the reports required to be made on Form B.C.D. No. 454, T-2, shall be filed at the office of the Statistical Bureau of the Division for the District in which the reporting mine is located, on or before the 28th day of February, 1941. A separate report, either on Form B.C.D. No. 453, T-1, or Form B.C.D. No. 454, T-2, as the case may be, shall be filed for each mine operated by the producer during any part of the calendar year, even though said mine may have been in operation for only a very limited period. Likewise, a separate report shall be filed for each mine maintained by the producer during the calendar year 1940, even though such mine was not in actual operation during any part of such period.

(e) Each report required to be filed by this section shall be certified as being correct by the producer, if an individual, or by a member of the firm, if a partnership, or in the case of a corporation, by a responsible officer thereof who is familiar with the facts.* (Sec. 10 (a), 50 Stat. 87; 15 U.S.C. Sup. 840 (a))

§ 308.8 Production and realization—
(a) *Mines with a daily capacity of 50 tons or more; monthly—*(1) *Report of production and realization.* Each producer of bituminous coal, whether or not a code member, for each mine operated by him which has a daily capacity of 50 tons or more, or which has rail or river connections, regardless of the capacity, shall file, for each calendar month, beginning with the month of January, 1941, on and in conformity with Form B.C.D. No. 350, which form is made a part of this section, a report, as hereinafter provided.

(2) *Time and place of filing.* The reports for the months of January, February, and March, 1941, shall be filed on or before the 20th day of May, 1941, and the report for each succeeding month shall be filed within 20 days after the end of the reporting calendar month at the Offices of the Division, 734 15th Street NW., Washington, D. C.

(3) *Information to be reported.* Each report shall set forth the following information:

(i) Name and address of the producer.
(ii) Name of mine, and if a code member, the mine index number of the mine as shown in the price schedule.

(iii) For the coal shipped from the mine by truck or wagon, the total tonnage of each size of coal (a) mechanically cleaned, not treated, (b) mechanically cleaned, treated, (c) raw coal, not treated, and (d) raw coal treated. Also the f. o. b. mine price or charge for each of the above described coals.

(iv) The total tonnage and the total f. o. b. mine realization or value of the coal shipped from the mine other than by truck or wagon, except tonnage covered by (vii) and (viii) hereof.

(v) The total tonnage and the f. o. b. mine per net ton and aggregate price or charge of each size of coal (a) used for mine fuel, (b) manufactured into beehive coke at the mine and, (c) manufactured into briquettes at the mine.

(vi) The total tonnage and the f. o. b. mine per net ton and aggregate price or charge of each size of coal furnished to employees in accordance with wage agreements.

(vii) The total tonnage and the f. o. b. mine per net ton and aggregate price, charge or value of each size of coal shipped to storage or on consignment account where there has been no change in title to the coal. (Do not include coal carried in mine inventories.)

(viii) The total tonnage carried in the mine inventory (a) on the first day of the reporting month, (b) at the end of the reporting month, and (c) the net change in the inventories during the month.

Note: This need not be shown by kinds, qualities and sizes.

(ix) The total tonnage of all coal produced at the mine during the month with an explanation of any difference between this figure and the figure reported as Item 27 on Cost Form No. 4 (Form B.C.D. No. 288).

(b) *Production; mines shipping by truck.* Each code member shall maintain and keep on file, in order according to date, mine bulletins, tippie sheets, or other appropriate production records (such as may be employed by the producer to inform the miners of the amount of their daily production), which records shall be kept for a period of twelve (12) months after the date of each such record, for inspection by or for transmittal to the Division upon request.* (Sec. 10 (a), 50 Stat. 87; 15 U.S.C. Sup. 840 (a))

§ 308.9 Storage other than mine inventory—(a) *Report of storage of coal other than coal carried as mine inventory.* Each code member or his sales agent, each registered distributor, and each registered farmers' cooperative organization, who, on and after January 1, 1941, maintains a storage facility,

whether on a dock or at any other point (except coal carried in the mine inventory and coal stored in a retail yard for retailing) shall file and shall require persons under his control and persons affiliated with him who maintain any such storage facility to file for each calendar month, beginning with the month of January, 1941, on and in conformity with Form B.C.D. No. 349, which form is made a part of this section, a report, for each such dock or storage facility, as hereinafter provided.

(b) *Time and place of filing.* The reports for the months of January, February, and March, 1941, shall be filed on or before the 20th day of May, 1941, and the report for each succeeding calendar month shall be filed within 20 days after the end of the reporting calendar month, at the offices of the Division, 734 15th Street NW., Washington, D. C.

(c) *Information to be reported.* Each monthly report shall set forth the following information:

(1) Name and address of reporting company, stating whether code member, sales agent, registered distributor or registered farmers' cooperative organization. If a sales agent, designate name and address of principal.

(2) Name and address of each dock, and a description of each storage pile thereon, and the location and description of each storage facility located other than on the dock. Each storage pile maintained on a dock or at any other storage facility other than at the mine shall be identified by field of origin, if possible, by kind, quality and size of coal, and such other description as may be carried on the books of the reporting company.

(3) The amount of coal in storage at the beginning of the month giving the tonnage by sizes of each kind and quality of coal.

(4) The amount of coal placed in such storage during the reporting month, giving the tonnage by sizes of each kind and quality of coal, the per ton value for each kind, quality and size, the name and address of the person from whom each kind, quality and size of coal was purchased or acquired (if transferred to self, so state), and for each separate cargo shipment into storage on docks, an analysis of the price or charge f. o. b. such dock as follows:

(i) Price or charge per net ton f. o. b. mine.

(ii) Railroad freight.

(iii) Vessel loading charges, if not included in freight rate.

(iv) Water transportation, including insurance.

(v) unloading charges, if any, separately made by vessel.

(vi) Other charges (specify).

(5) The tonnage by sizes of each kind and quality of coal withdrawn from storage during the month for preparation or sizing, and for other disposal. The tonnage by size of each kind and quality of

coal after preparation and sizing, showing (i) the tonnage returned to storage, (ii) the tonnage sold or otherwise disposed of, and the f. o. b. dock, aggregate and per ton price or charge therefor, and (iii) the total tonnage remaining in storage at the end of the reporting month.* (Sec. 4 II (a), and 4 II (g), 50 Stat. 76; 15 U.S.C. Sup. 833 (a), 833 (g))

§ 308.10 *Production, distribution, and realization; non-code members—(a) Reports from non-code member producers.* Each non-code member producer, in addition to the reports required on Form B.C.D. No. 350, for each mine operated by him which has a daily capacity of 50 tons or more, shall file for each month beginning with the month of January, 1941, a report as hereinafter provided, on and in conformity with Form B.C.D. No. 351, which form is made a part of this Section.

(b) *Time and place of filing.* The reports for the months of January, February, and March, 1941, shall be filed on or before the 20th day of May, 1941, and the report for each succeeding calendar month shall be filed within 20 days after the end of the reporting calendar month, at the Offices of the Division, 734 15th Street NW., Washington, D. C.

(c) *Information to be reported.* The following information shall be reported:

The number of net tons by sizes and the price or charge per net ton for each size sold, consigned or delivered to each purchaser, consignee, dock or other storage facility at each destination (town or port), designating the method of movement employed, the specific use to which such coal was applied as follows: industrial (coal sold, consigned or delivered to consumers except where otherwise provided herein); domestic (coal sold, consigned or delivered to retail dealers), water gas, vertical or horizontal retort; locomotive fuel (indicating whether "on-line" or "off-line" or locomotive coal at tipples); railroad use other than locomotive fuel; by-product, bunker or vessel fuel dock or other storage; or for export, and the total tonnage and total value in dollars of all such transactions.

(d) *Alternative provision.* In lieu of the report on Form B.C.D. No. 351, non-code members may file invoices or other memoranda with the proper Statistical Bureau as provided by Order No. 313 for code members and others.* (Sec. 10 (a) 50 Stat. 87; 15 U.S.C. Sup. 840 (a))

§ 308.11 *Coal sold through marketing agencies.* (a) Each code member, whether or not a member of a marketing agency approved by the Division, shall file, for each month beginning with the month of January 1941, a report as to all coal sold during said month through a marketing agency, as hereinafter provided.

(b) Said report shall set forth the following information:

(1) The name and address of the code member.

(2) The name and address of the marketing agency through which the coal was sold.

(3) The total tonnage from each mine operated by the code member sold through such marketing agency.

(4) The total commission paid or payable to such marketing agency on such tonnage.

(c) The reports for the months of January, February, and March, 1941, shall be filed on or before the 20th day of April 1941, and the report for each succeeding calendar month shall be filed within twenty days after the end of the reporting calendar month at the Washington office of the Division, 734 15th Street NW., Washington, D. C.* (Sec. 4 II (a), 4 II (g) and 12, 50 Stat. 76, 88; 15 U.S.C. Sup. 833 (a), 833 (g), 842)

§ 308.12 *Records, sales slips, etc.; shipments by truck or wagon—(a) Maintenance and filing of records.* Each code member or his sales agent, each registered distributor and each registered farmers' cooperative organization shall maintain and file, and shall require persons affiliated with him to maintain and file, beginning on April 1, 1941, records and information as hereinafter set forth.

(b) *Truck tickets, etc.; manner of keeping.* (1) For each sale, resale, consignment, shipment or other disposal or movement of coal by truck or wagon from the mine, storage facility (except retail yard or dock¹) or from a preparation plant occurring on and after April 1, 1941, the seller or shipper of such coal shall maintain and keep on file a copy of each truck ticket, sales slip, invoice, other memoranda or record covering such transaction, in such a manner as to permit of the immediate filing thereof and the filing of such reports or summarizations thereof as the Director may, from time to time, require.

(2) These documents or records shall be maintained and kept on file in order according to date of sale, at the mine or business office of such seller or shipper for a period of twelve (12) months from date thereof.

(c) *Information to be recorded.* The copy of the truck ticket, sales slip, invoice, other memoranda or record shall contain, in addition to any information the seller or shipper may desire, the following information:

(1) Truck ticket number.

(2) Date of shipment.

(3) Name of the seller or shipper.

(4) Mine Index Number, as listed in the Price Schedule, of the mine at which the coal is produced. (If coal is sold or shipped from a central preparation plant, or from a storage pile or loading facility other than at the mine, show the name and address of such preparation plant, storage pile or loading facility.)

(5) Name of the purchaser.

(6) Net weight of the coal. (Gross and tare weights may also be shown.

¹ For Shipments ex-dock by truck or wagon, see § 308.19.

Where no scales are available, estimated weight shall be given and marked "Est." or "Estimated.")

(7) Actual size of the coal sold or shipped.

(8) Price per net ton f. o. b. the truck or wagon at the mine, storage pile, loading facility or central preparation plant, as the case may be. (Where coal is sold in loads measured by bushels, the price per bushel may be shown instead of price per ton.)

(9) Total amount charged for the coal.

(10) Signature or initials of the weighmaster, person selling the coal, or person making the record.

(11) If sold on a delivered basis, the amount of delivery charge shall be separately shown.

(12) If sold on a delivered basis, show the approximate distance in miles which the coal is hauled.

(13) If sold on a delivered basis, the signed receipt from the customer, and his address, shall also be kept on file.

(d) *Future filings.* The Director may, from time to time, order the filing with the Division of copies of all truck tickets covering the transactions in any District or a portion of any District, and such reports or summarizations thereof as may be necessary.

(e) *Monthly report; sales and shipment by truck or wagon in certain localities.* Pursuant to the provisions of paragraph (d), the Director having determined the necessity therefor, each code member in Districts Nos. 1, 4, 8, 9, 17, and in Putnam County, Missouri, in District No. 15, for each mine operated by him shall file for each month a report of all sales of coal sold and shipped from each such mine by truck or wagon. This monthly report shall be filed within five days after the end of the month at the office of the proper Statistical Bureau of the Division for each of the aforementioned Districts, and may be made by filing either (1) a copy of the truck ticket, sales slip or invoice for each such sale, giving all the information required by paragraph (c), or, (2) a listing of each of such sales, giving all the information required by paragraph (c).^{*} (Sec. 2 (a), 4 II (a), 4 II (g), and 10 (a); 50 Stat. 72, 76, 87; 15 U.S.C. Sup. 829 (a), 833 (a), 833 (g), 840 (a))

NOTE: this listing may be made on Form B.C.D. No. 468, copies of which are available at the Statistical Bureaus of the Division.

§ 308.13 *Authorization to inspect and obtain certain records, etc.*—(a) *Authorizations to inspect weighing records and truck tickets.* (1) Each person subject to the provisions of § 308.12 shall file with the Division, before April 1, 1941, an Order authorizing all State, Municipal, and private scales reporting the weights of coal sold, consigned or delivered by such person subject to § 308.12, to make available to the Division upon its request, the records of such weighings, and authorizing the Division to inspect and examine any truck ticket or other memo-

randa accompanying any such shipment of coal.

(2) Any person subject to the provisions of subparagraph (a), who prior to April 1, 1941, has filed with the Division a sworn undertaking of intention to file currently with the Division copies of all documents submitted to or received by him from all State, Municipal and private scales, reporting the weights of coal sold, consigned or delivered by him and of any sales slip or other memorandum accompanying any shipment of coal, need not file the orders of authorization prescribed in subparagraph (a).

(b) *Authorization to make certain records available.* (1) All code members or their sales agents, registered distributors and registered farmers' cooperative organizations, shall file, and require persons under their control and persons affiliated with them, to file, with the Washington office of the Division, the following authorizations:

(i) An order authorizing the railroads and the water carriers to make available to the Division copies of all waybills, scale sheets, reconsignment reports, on hand refused reports, manifests and lake and tidewater cargo consists or other material relating to movement of coal handled by them.

(ii) An order authorizing the Ore and Coal Exchange, Maher Coal Bureau, Tidewater Bituminous Coal Statistical Bureau, Ohio Bureau of Coal Statistics, Illinois Freight Bureau, the Association of American Railroads, U. S. Army Engineers, U. S. Department of Commerce, all governmental and state agencies and political subdivisions thereof, and the Government of the Dominion of Canada, to furnish or make available to the Division any marketing data with respect to the sale, distribution and consumption of coal handled by them, which the Division deems necessary to examine.

(2) The above authorizations shall be filed on or before the first day of April, 1941. Persons becoming subject to the provisions of this section after April 1, 1941, shall file such authorizations within ten days after the date upon which they become subject to the provisions of the section.

(3) Any code member, sales agent, registered distributor and registered farmers' cooperative organization which has, prior to April 1, 1941, filed and required persons under his control to file, at the Washington office of the Division, a sworn undertaking of intention to file with the Division currently copies of all documents and other communications submitted to or received by him from railroads and water carriers, including all waybills, scale sheets, reconsignment reports, on-hand refused reports, manifests and lake and tidewater cargo consists or other material relating to movement of coal handled by him, and all documents and communications relating to the production, sales and distribution of bituminous coal, submitted to or received

by him from the statistical or governmental agency named or described in this section, need not file the orders of authorization prescribed here.^{*} (Sec. 2 (a), 4 II (a), 4 II (b) and 10 (a), 50 Stat. 72, 76, 87; 15 U.S.C. Sup. 829 (a), 833 (a), 833 (b), 840 (a); § 308.13 (b) issued under the authority contained in sec. 2 (a), 4 II (g); 50 Stat. 72, 76; 15 U.S.C. Sup. 829 (a), 833 (g))

§ 308.14 *Loading and shipping records*—(a) *Record of sizes loaded at the mine.* Each code member shall maintain, beginning on April 1, 1941, for each day and for each mine (including central preparation plant) operated by him, a record of the actual sizes loaded at each such mine into each railroad car, with car initial and number, into each barge, with barge name and number, loaded at the tippie or mine storage facilities into locomotive tenders, conveyed directly from the mine to the yards or bins of consumers by conveyor, private railroad or tramway, loaded into trucks or wagons, and coal used at the mine. If the coal is treated or mechanically cleaned, such fact shall be noted on the loading record.

(b) *Place and time of maintenance.* The records, maintained pursuant to § 308.14 (a), together with the memoranda from which they are made, shall be kept at the mine or business office of the code member for a period of twelve (12) months, and shall be held available for inspection by the Division or for transmittal to the Division upon request.

(c) *Shipping records and daily billing sheets.* Each sales agent, registered distributor and registered farmers' cooperative organization shall maintain copies of all shipping records and daily billing sheets in his or its main office for a period of twelve (12) months where they shall be held available for inspection by the Division or for transmittal to the Division upon request^{*} (Sec. 4 II (g) and 10 (a), 50 Stat. 76, 87; 15 U.S.C. Sup. 833 (g), 840 (a))

§ 308.15 *Invoices, other memoranda, etc.; shipments via rail or water from mines, storage facilities, docks, etc.*—(a) *Invoices, debit, credit, or other memoranda and copies of journal entries.* Each code member or his sales agent, each registered distributor, and each registered farmers' cooperative organization, beginning on April 1, 1941, for the transactions hereinafter specified, shall make and file, and require persons affiliated with him to make and file with the Division, within the time and at the office hereinafter designated, the following:

(1) An invoice or other memorandum evidencing each sale, consignment, shipment, movement, or transfer of bituminous coal, setting forth thereon such information as is ordinarily shown on invoices, sales slips, debit, credit, or other memoranda, covering such transactions, and such other information as may be required to be shown thereon by the Marketing Rules and Regulations.

(2) Debit, credit or other memoranda evidencing any reconignment, diversion, confiscation, loss or adjustment concerning any transactions described in (1) above.

(3) A copy of the journal entry for each transaction which in any way affects the realization for coal sold or otherwise disposed of but which does not appear on the copies of invoices, debit, credit, or other memoranda provided for in (1) and (2) above. Such journal entries shall be fully descriptive of the adjustments made and shall be related to invoices, debit, credit, or other memoranda with respect to the original transaction or transactions, by number, date, and any other necessary identification.

NOTE: The invoices and other memoranda herein required need not be made and filed for shipments via Carrier Method 1 or 6 from a mine to a storage facility, loading facility or preparation plant maintained by the producer of the coal, unless such facility is a dock or retail yard, or located on or at a dock or retail yard; provided, however, that monthly reports are filed by the producer on Form B.C.D. No. 349 and Form B.C.D. No. 350. However, invoices or other memoranda covering shipments from such facilities are required by this section.

(b) *Invoices, etc., maintenance and filing.* Copies of such invoices or other memoranda shall be kept on file by the makers thereof and shall be held available for inspection by the Division. The copies of such invoices or other memoranda filed with the Division shall be accompanied with a letter or transmittal form, showing the total number of documents enclosed, the total tons and the total amount of money covered by such documents, and a statement of the tonnage and amounts as previously reported for the same month. The adding machine tape, or other work sheet, upon which such totals were computed shall be submitted with each letter of transmittal.* (Sec. 4 II (g) and 10 (a), 50 Stat. 76, 87; 15 U.S.C. Sup. 833 (g), 840 (a))

§ 308.16 *Invoices, memoranda, etc.; shipments via rail or conveyor.*—(a) *Place and time of filing.* For movements of coal from the mine or other facilities (except docks) by all-rail, or by direct conveyor, private railroad or tramway to the yards or bins of the purchaser or consignee, or loadings at the tippie of railroad locomotive fuel into locomotive tenders, involving sale, resale, consignment, shipment, transfer or other movement or disposal of such coal, copies of the invoices or memoranda or other reports prescribed by § 308.15 shall be filed immediately as rendered with the Statistical Bureau of the District in which the coal involved in such movement or disposal is produced.

(b) *Information to be filed.*¹ On the face, or on the back of such copies, or on

¹The information required by this paragraph shall be accurately reported. If in doubt as to the manner or method of reporting any particular item submit a statement giving a full explanation of the particular transaction with a copy of the invoice or other memorandum required to be filed.

separate memoranda attached thereto, the following information shall be reported, as applicable to the particular transactions:

NOTE:—As used herein the term "ton" means a net ton of 2,000 pounds.

(1) Date of invoice or other memorandum. Registered distributors and registered farmers' cooperative organizations shall show the number of the producer's invoice or other memorandum to them, where available.

(2) Seller's contract number or order number if used.

(3) Name of the code member producer, and his address, and

(4) If sold or consigned through a sales agent, the name and address of such sales agent; if consigned, reconsigned or resold by a registered distributor or registered farmers' cooperative organization, the name and address of such registered distributor or registered farmers' cooperative organization.

(5) Name and mine index number of the originating mine, central washery, cleaning or preparation plant as shown in the price schedule; if movement is from storage (except docks), there shall be shown a description of such storage facility by name or other designation as carried on the books of the company, by location, and other proper identification. Such description may be shown by reference to a number which will be assigned by the Division upon request therefor. Such request shall set forth the complete description as provided above.

(6) Date of shipment from the mine or other shipping point, as the case may be.

(7) Car number and initials.

(8) Name or initials of the originating carrier.

(9) Method of movement by Carrier Method Number, as follows:¹

Carrier Method 1. All-rail, including movement by truck or wagon to a railroad siding or to a central washery, cleaning or preparation plant and thence to final destination all-rail, shall be designated as "Carrier Method 1."

Carrier Method 6. Movement by conveyor, private railroad or tramway to the yards or bins of the purchaser or consignee, or loadings of railroad locomotive fuel at the tippie into locomotive tenders, shall be designated as "Carrier Method 6."

(10) If an invoice or other memorandum, or any adjustment concerning same, shows a price or charge which includes rail freight, or other charges, the information reported to the Statistical Bureau shall contain an analysis of such price or charge, setting forth the following:

(i) Price or charge per ton as shown on invoice or other memorandum.

(ii) Rail freight charges.

¹Carrier Method Nos. 2 (River), 4 (Tide-water), and 5 (Lake) not applicable to this subparagraph. See § 308.17.

(iii) Other charges (enumerate) as actually paid or assessed on the records of the shipper. (Where separate invoice for freight is issued by the shipper the same shall be identified by reference to original invoice for the coal.)

NOTE: Convert gross tons to net tons.

(11) The name and address of the purchaser (or consignee, when shipped on consignment account).

NOTE: Name of purchasing railroad may be abbreviated or designated by initials, but names of other purchasers must be given in full, except that the words "company" or "corporation" appearing in the name may be abbreviated.

(12) The name and address of the consignee, if it be other than the purchaser reported under (11) above, except that in case of sale to a registered distributor, the name of the distributor's consignee need not be shown on the producer's invoice if the distributor does not reveal such information to the producer.

(13) The final destination by city and state, and by market area number. In case of coal sold by a producer, registered distributor or registered farmers' cooperative organization to a registered distributor or registered farmers' cooperative organization for resale, and the city and state of destination have not been revealed to the seller by his purchaser, the seller need report only the market area number, except in those cases where it is necessary for him to know the city and state of destination in order to ascertain the correct minimum price. Registered distributors and registered farmers' cooperative organizations reporting the ultimate sale shall report the final destination of the coal by city, state and market area number.

(14) The f. o. b. price or charge in cents per net ton before deduction of commissions or discounts. (Designate f. o. b. point of sale.) If price is affected by reason of refused delivery, substandard preparation or quality, and transaction is performed under either § 318.9 or § 318.10,¹ so indicate.

(15) The amount of the invoice. (Realization at f. o. b. point of sale before deduction of commissions or discounts.) If any authorized absorption or deduction from Schedule Price is made, explain fully.

(16) Weight of contents for each car as accepted by railroad for revenue billing.

(17) The terms of payment.

(18) The rate of discount, in cents per net ton, if any allowed, when coal is sold to a registered distributor or to a registered farmers' cooperative organization.

(19) The method of sale, designated by letter and number as follows:

S-1. Sold to retailer, consumer or non-registered distributor or non-registered farmers' cooperative organization, by the producer or his employees. (Employees, as here used, include salesmen, salaried or commissioned, and others under no

¹5 F.R. 2965.

contractual obligations as sales agents, such as brokers, factors, etc., who do not purchase the coals from the producer, but merely negotiate sales for the producer, either for a salary or a commission. See Marketing Rules and Regulations, section II, Rule 5 A.)

S-2. Sold to a retailer or consumer through a sales agent affiliated with the producer.

S-3. Sold to a retailer or consumer through a sales agent not affiliated with the producer.

NOTE: Where a marketing agency is involved in the transaction, the affiliation or non-affiliation of the sub-agent with the producer shall determine whether the transaction shall be reported as S-2 or S-3.

S-4. Sold to a registered distributor or registered farmers' cooperative organization by the producer or his employees. (For description of employees see S-1, above.)

S-5. Sold through an affiliated sales agent to a registered distributor or registered farmers' cooperative organization.

S-6. Sold through a non-affiliated sales agent to a registered distributor or registered farmers' cooperative organization.

S-7. Sold through a sales agent to a non-registered distributor or non-registered farmers' cooperative organization.

S-8. Resold by registered distributor or registered farmers' cooperative organization to a consumer, retailer or other distributor or farmers' cooperative organization, whether or not registered.

(20) The actual size shipped or transferred.

(i) Give the specific size dimensions in inches and fractions of inches or mesh, including both top and bottom size of double-screened coals.

(ii) In case sizes or grades are altered, modified or mixed, a statement showing the sizes removed or added and percentage removed or added, as known or estimated by the shipper shall be reported.

(iii) When substitution is made, give the permit number and designate the size ordered, the size billed and the size shipped. (List sizes in terms of round-hole screens. If other types of screens are used, convert to round-hole equivalent as provided in the appropriate price schedule.)

(21) The specific use for which the coal is sold, consigned or shipped, by letter and number as follows:

U-1. Locomotive fuel.

U-3. Smithing coal.

U-4. Storage or consignment account.

U-5. Industrial. (Coal sold or resold to consumers except as accounted for in U-1, U-3, U-7, U-8, U-9, and U-10.)

U-6. Domestic. (Coal sold, consigned, or shipped to retail yards.)

U-7. Water-gas, vertical or horizontal retort.

U-8. Railroad use, other than that covered by U-1 or U-3.

U-9. By-product.

U-10. Export. (Coal shipped or consigned to points outside of the domestic market. The domestic market includes all points within the United States and Canada, and car ferry shipments to the Island of Cuba. Bunker coal delivered to steamships for consumption thereon shall be regarded as shipped within the domestic market.)

Designate by name only any other use. Reference should be made to the minimum price schedules for a more detailed explanation of the above uses.

(22) A description of preparation by number as follows:

(i) Mechanically cleaned, not treated.

(ii) Mechanically cleaned, treated.

(iii) Raw coal, not treated.

(iv) Raw coal, treated.

NOTE: "Raw coal" is coal not washed or air-cleaned or otherwise mechanically cleaned. It includes hand-picked coal not otherwise cleaned or washed. "Mechanically cleaned coal" is coal subjected to mechanical cleaning, such as washing, air cleaning, or other method except hand picking. See price schedule for further description. When raw and mechanically cleaned coals are mixed, or when treated and untreated coals are mixed, the percentage of each should be reported as accurately as the shipper is able to ascertain.

(23) (i) The date of the tax exemption certificate received in case of sales for use in essential governmental functions, and the name and address of the governmental authority issuing the certificate, when the price charged for the coal is reduced below the minimum price in an amount equal to the amount of the tax exemption, as authorized by the minimum price schedules.

(ii) If tax exemption certificate is not available at time of invoice, such fact's should be noted on the report to the Division, and as soon as the certificate is available, the information required by subdivision (i) shall be reported to the Division, and properly related to the original invoice.

(24) Where coal has been sold pursuant to a lawful and bona fide written contract entered into prior to June 16, 1933, state "Pre-June 16, 1933, contract." (Sec. 4 II (g) and 10 (a), 50 Stat. 76, 87; 15 U.S.C. Sup. 833 (g), 840 (a))

§ 308.17 Invoices, memoranda, etc.; shipments via water to unloading points—(a) Place and time of filing. For sales, resale, consignment, reconsignments, shipments, transfers or other movements or disposals of bituminous coal by Carrier Methods 2, 4 and 5, as defined in § 308.16 (b) (9), the copies of the invoices or other memoranda prescribed by § 308.15 shall be filed immediately as rendered with the Statistical Bureau of the Division for the District in which the coal was produced. When invoices, memoranda, and other information involve shipments from two or more Origin Districts, the invoices, memoranda and other information shall be filed with the Statistical Bureau for any one of the Districts of Origin.

(b) Information to be filed.¹ On the face or on the back of such copies or on separate memoranda attached thereto, the following information shall be reported:

NOTE: As used herein the term "ton" means a net ton of 2000 pounds.

The same information as required for Carrier Methods 1 and 6 by subparagraphs (1) to (24), inclusive, in § 308.16 (b) hereof, except that in lieu of subparagraphs (7), (9), (10), (13), (16), and (21), the following information shall be substituted, and the information requested in new subparagraphs (25) and (26) shall be added:

(7) The car number and initials and the barge or vessel name and number, if not shown on cargo manifest required by subparagraph (26) of this section.

(9) The method of movement by Carrier Method number as follows:

Carrier Method 2. Movement by river (including movement by truck or rail or otherwise to river dumping point and thence by river) to river unloading point shall be designated as "Carrier Method 2."

NOTE: All movements to unloading points on river shall be reported under this section, whether or not all or any part of the coal involved in such shipment may be destined for further shipment ex-dock or ex-river. For all such ex-dock or ex-river shipments an additional report is required pursuant to § 308.18.

Carrier Method 4. Any shipment involving movement via tidewater (including truck, rail or other conveyance to tidewater and thence via tidewater) to tidewater unloading points shall be designated as "Carrier Method 4."

NOTE: All movements to tidewater unloading points shall be reported under this section, whether or not all or any part of such shipments may be destined for points beyond the dock or tidewater unloading point. For all such ex-dock or ex-tidewater shipments an additional report is required pursuant to § 308.18.

Carrier Method 5. Any shipment involving movement via lake (including truck, rail or other conveyance to lake, and thence transshipment via lake) to lake unloading points shall be designated as "Carrier Method 5."

NOTE: All shipments to lake unloading points shall be reported under this section, whether or not all or any part of such shipment is destined for further shipment to ex-dock or ex-lake points. For all such ex-dock or ex-lake shipments an additional report is required by § 308.18.

(10) *Transportation and other charges.* (i) When an invoice, debit, credit or other memorandum, evidencing a sale, consignment or departmental transfer, or any adjustment concerning

¹The information required by this paragraph shall be accurately reported. If in doubt as to the manner or method of reporting any particular item submit a statement giving a full explanation of the particular transaction with a copy of the invoice or other memorandum required to be filed.

same, shows a price or charge which includes freight or other charges, an analysis of such price or charge shall be made, setting forth the following:

(a) Price or charge per ton as shown on invoice or other memorandum.

(b) Rail freight per ton from mine to dumping pier (including dumping charges when assessed as part of the rate).

(c) Dumping charges per ton, if assessed separately.

(d) Water transportation charges or costs per ton to the dock or river lifting point including unloading charges if included in rate. (Actual rate paid if paid to a non-affiliated hired carrier; assessed rate per ton, if vessel is owned or leased by the shipper or a person under his control, or with whom he is affiliated.) Show also points of loading and unloading, if not shown on cargo manifest.

(e) Unloading charges at dock or river lifting point, if any separately charged by the water transportation company.

(f) Insurance. (Actual or assessed, as the case may be.)

(g) Other charges. These should be enumerated. This item shall include any other items of expense incurred and not specifically enumerated in (b), (c), (d), (e) and (f) and shall be reported as actually paid or as assessed, as the case may be.

(h) The difference between (a) and the sum of (b), (c), (d), (e) and (f).

(i) The established minimum f. o. b. mine price for coal shipped; if cargo contains coals of different sizes or quality having different f. o. b. mine prices, the f. o. b. mine price and tonnage of each grade and size.

(ii) When coal is sold to a buyer under an arrangement that it shall be transported in vessels owned by the seller or by persons under his control or affiliated with him or under an arrangement that the coal shall be handled over dock or other facilities of the seller or persons under his control or affiliated with him, the report filed with the Division evidencing the transaction shall show the charge or rate per ton agreed upon between the buyer and the seller covering such transportation and other costs.

(13) The city, state and market area number to which the cargo or shipment is consigned. Also show dumping or loading point and unloading or lifting point.

(16) The total tonnage of each kind, quality and size of coal transported in each barge or vessel.

(21) The specific use by letter and number as follows:

U-1. Locomotive fuel.

U-2. Bunker or vessel fuel (Tidewater, lake or river). Indicate when vessel is destined for foreign ports. (Foreign ports are points outside of the domestic market as defined in the Act.)

U-3. Smithing Coal.

U-4. Storage or consignment account. (Coal sold, shipped or consigned for storage at any ground or water storage facility, when the ultimate use is not known should be reported as U-4.)

U-5. Industrial. (Coal sold or resold to consumers except as accounted for in U-1, U-2, U-3, U-7, U-8, U-9, or U-10.)

U-6. Domestic. (Coal sold, consigned or shipped to retail yards.)

U-7. Water gas, vertical or horizontal retort.

U-8. Railroad use, other than that covered by U-1 or U-3.

U-9. By-product.

U-10. Export. (Coal shipped or consigned to points outside of the domestic market as the same is defined in the Act.)

NOTE: Designate by name only any other use. Reference should be made to the minimum price schedules for a more detailed explanation of the above uses.

(25) A description of the method of delivery. (Alongside or on dock, or on other receiving facilities, or on transportation facilities. Shipments beyond these points or facilities are to be further reported under § 308.18)

(26) Where the person issuing or making the invoice or other memorandum also directs or orders the dumping into vessels of the coal covered by such invoice or other memorandum for transshipment via lake or tidewater or for vessel or bunker use, he shall attach to and file with the copy of such invoice or other memorandum, which is required to be filed with the Division, a copy of the cargo manifest, consist report or dumping sheet issued to him or to any person under his control, or affiliated with him.* (Sec. 4 II (g) and 10 (a), 50 Stat. 76, 87; 15 U.S.C. Sup. 833 (g), 840 (a))

§ 308.18 *Invoices, memoranda, etc.; shipments ex-dock or ex-river except by truck*—(a) *Time of filing.* For the shipments and movements of coal hereinafter designated, the copies of the invoice or other memoranda prescribed by § 308.15 shall be filed within twenty* (20) days after the end of the calendar month in which such shipments or movements occurred.

(b) *Place of filing.* For sales, resales, consignments, reconsignments, shipments, transfers or other movements or disposals of bituminous coal by rail or via water from any receiving dock on tidewater, lake or river or from any river lifting point, occurring on and after April 1, 1941, including all sales designated as "ex-river" in the appropriate Price Schedule, the copies of the invoices or other memoranda prescribed by § 308.15 shall be filed as follows:

(1) For ex-dock (lake or tidewater)—at the offices of the Division, 734-15th Street, N. W., Washington, D. C.

(2) For ex-dock (river) or river lifting point—at the Statistical Bureau of the

Division for the District in which the coal was produced.

(c) *Information to be filed.*¹ On the face or on the back of the copies of such invoices or other memoranda, or on separate memoranda attached thereto, the following information shall be reported:

(1) Date of invoice or other memorandum, and the amount thereof. (Realization at f. o. b. point of sale before deduction of commission or discount.)

(2) The seller's order or contract number, if used, and the name of the seller or consignor; if sold or consigned through a sales agent, the name and address of the sales agent.

(3) The name and address of the dock or river lifting point from which shipment is made, and the name of the dock operator if other than the consignor.

NOTE: This description may be shown by reference to a number which will be assigned by the Division upon request therefor. Such request shall set forth the complete description as provided above.

(4) The date of shipment.

(5) The full, unabbreviated name and address of the purchaser or consignee. Railroads may be designated by initials or abbreviations and the words "company" or "corporation" in a name may be abbreviated.

(6) The final destination by city and state, and by market area number. In case of coal sold by a producer or registered distributor or registered farmers' cooperative organization to a registered distributor or registered farmers' cooperative organization for resale, and the city and state of destination have not been revealed to the seller by his purchaser, the seller need report only the market area number, except in those cases where it is necessary for him to know the city and state of destination in order to ascertain the correct minimum price. Registered distributors and registered farmers' cooperative organizations reporting the ultimate sale shall report the final destination of the coal by city, state and market area number.

(7) The car number and initials, the barge or vessel name and number.

(8) The use number. (See § 308.17 (b) (21) for description of the use number.)

(9) Method of sale by letter and number. (See § 308.16 (b) (19) for description of sales method.)

(10) The total tonnage of each kind, quality and size of the coal shipped in each railroad car, barge or vessel from the dock or river lifting point.

¹The information required by this paragraph shall be accurately reported. If in doubt as to the manner or method of reporting any particular item submit a statement giving a full explanation of the particular transaction with a copy of the invoice or other memorandum required to be filed.

(11) The price or charge per net ton f. o. b. transportation facilities at the dock or river lifting point.

NOTE: If price is affected by reason of refused delivery, substandard preparation or quality, and transaction is performed under either § 318.9 or § 318.10,¹ so indicate.

Also an analysis of the price or charge setting forth the following items as assessed by the seller or consignor on the records of the company:

(i) The dock handling or operating charge or cost per net ton.

(ii) Water transportation charge or cost per net ton to the dock or river lifting point, including unloading charges if same are included in the transportation rate or charge.

(iii) Unloading charge or cost at the dock or river lifting point, if any, separately charged by the water transportation company.

(iv) Insurance.

(v) Rail freight rate from mine to point of dumping.

(vi) Other charges or costs.

(vii) The difference between the price or charge per net ton f. o. b. the dock or river lifting point, and the sum of subdivisions (i) to (vi), inclusive.

(viii) The established f. o. b. mine minimum price for coal of like kind, size and quality, as nearly as same can be ascertained from the Price Schedules applicable to the District or Districts where the coal was produced, for shipment into the Market Area of destination.

NOTE: If two or more kinds or qualities of coal having different f. o. b. mine prices are mixed in a single shipment, approximate the tonnage of each grade and size. In applying the f. o. b. mine minimum price for any such mixture, report weighted average minimum mine price.

Alternative provision. The information required by subdivisions (i) to (viii), inclusive, need not be reported in detail in connection with each transaction but may be reported as an aggregate item provided that such seller or consignor has filed with the Division a sworn statement as to the amount which he has assessed on his books for each of subdivisions (i) to (vi), inclusive, and has filed with the Division an authorization to inspect his books at such times as the Division may deem advisable, and provided further that such seller or consignor file promptly under oath any change or changes that he may make in respect to the assessment of such costs.

(12) When an invoice, debit, credit or other memorandum evidencing a sale, consignment or departmental transfer, or any adjustment concerning same, shows a price or charge f. o. b. a point, other than dock or river lifting point, an analysis of such price or charge shall be made, setting forth, in addition to subdivisions (i) to (viii), inclusive, in subparagraph (11) above, the following:

(i) The price or charge per net ton as shown on the invoice or other memorandum.

(ii) Rail or water transportation charges from the dock or river lifting point, and other charges (specify) per net ton to destination.

(iii) Price or charge per net ton f. o. b. the dock (or lifting point), (i) minus (ii).

NOTE: Subparagraphs (11) and (12) are applicable, not only to ex-dock, but also to ex-river shipments, regardless of the manner in which the minimum price is computed.

(13) If coal is sold to a registered distributor or to a registered farmers' cooperative organization, the rate of discount in cents per net ton, if any allowed.

(14) The size shipped. Show actual size if known, by dimensions in inches and fractions of inches or mesh, including both top and bottom size of double-screened coal. If actual size is not known, show the size as ordered by the customer or consignee and the size as approximated by the shipper. In case sizes or grades are altered, modified or mixed, give complete information. List sizes in terms of round-hole screens. If other types of screens are used, convert to round-hole equivalents, as provided in the appropriate Price Schedules.

NOTE: If any kind or quality of coal, or any mixture thereof, is sold off the dock or from the river lifting point under a trade name or other designation, the kind or quality, or mixture thereof, may be reported by reference to such trade name or other designation, provided, the shipper has filed in triplicate with the Division a listing of the trade names or other designations employed by him, together with a description of the coal covered by such trade names or designations, with a statement that only such coals as are described by him for each trade name or designation shall be sold under such trade name or designation. For mixture of sizes see preceding paragraph.

(15) The name and mine index number of the originating mine, if known.

(16) For coal sold, resold, or re-consigned from a dock, storage facility, or a vessel, at the unloading point to which such coal was previously delivered, and the report of such previous delivery was made pursuant to § 308.17, the report required by this Section shall set forth a description of the pile on the dock or storage facility, or the contents of the vessel, from which the coal is shipped, as identified on the records of the company according to quality, size and field of origin. This description may be made by reference to a code number previously assigned by the Division upon filing with the Division a description of each such pile, which may include coal in the pile on the dock, the coal in a vessel alongside, or a combination of both.

(17) If treated on the dock or at river lifting point with oil, wax or other chemical, designate the treatment afforded.

(18) The date of the tax exemption certificate received in case of sales for use in essential governmental functions, and the name and address of the gov-

ernmental authority issuing the certificate, when the price charged for the coal is reduced below the minimum price in an amount equal to the amount of the tax exemption, as authorized by the Minimum Price Schedule. If tax exemption certificate is not available at time of invoice, such fact should be noted on the report to the Division, and as soon as the certificate is available, the information required by this paragraph shall be reported to the Division, and properly related to the original invoice.

(19) Where coal has been sold pursuant to a lawful and bona fide written contract entered into prior to June 16, 1933, state "Pre-June 16, 1933, Contract."

(20) Terms of payment.

(21) A description of the method of delivery from the dock (rail or water).* (Sec. 4 II (g) and 10 (a), 50 Stat. 76, 87; 15 U.S.C. Sup. 833 (g), 840 (a))

§ 308.19 *Invoices, memoranda, etc.; summaries in lieu of; shipments ex-dock or ex-river by truck or wagon—(a) Summaries of.* In lieu of invoices or other memoranda and data provided for by § 308.15, all code members or their sales agents, registered distributors and registered farmers' cooperative organizations shall file, and require persons under their control, and persons affiliated with them, to file, beginning with the month of April, 1941, a monthly summary of the sales, consignments, shipments, transfers or other disposals or movements of coal involving ex-dock or ex-river movement by truck or wagon.

(b) *Time of filing.* Such summaries shall be filed for each month, within twenty days after the close of such calendar month, and shall set forth the description of such transactions, giving the amount of tonnage of each kind, quality and size of coal, the established f. o. b. mine minimum price thereof, the price or charge, f. o. b. dock or river lifting point, and if sold or transferred on a delivered basis, the f. o. b. destination price or charge.

(c) *Place of filing.* Such summaries shall be filed as follows:

(1) *For ex-dock (lake or tidewater).* At the offices of the Division, 734 15th Street NW., Washington, D. C.

(2) *For ex-river.* At the Statistical Bureau of the Division for the District in which the coal is produced.

(d) *Maintenance of copies.* Copies of all invoices, sales slips or other memoranda made in connection with any such transaction shall be kept on file, at the dock office or main office of the seller or consignor, for a period of twelve (12) months, where they shall be held available for inspection by the Division or for submittal to the Division upon request.* (Sec. 4 II (g) and 10 (a), 50 Stat. 76, 87; 15 U.S.C. Sup. 833 (g), 840 (a))

§ 308.20 *Contracts and spot orders.* Within fifteen days after entering into any contract for the sale of coal and within ten days from the acceptance date

¹ 5 F.R. 2965.

of any spot order, each Code Member shall file a copy of such contract or spot order, as the case may be, with the Statistical Bureau of the Division for the District in which is located the mine from which the coal is supplied or proposed to be supplied.* (Sec. 4 II (a), 50 Stat. 76, 15 U.S.C. Sup. 833 (a))

§ 308.21 *Changes in name of producer, in ownership, etc., and other information—(a) Change of ownership, etc., of mines.* Each code member shall report any change in the name under which any of his mines are operated, and any change in the ownership, operation, management or control of any of his mines, within ten days after any such change occurs.

(b) *Report as to unclassified coals.* Each code member who is producing or who contemplates producing coal from a mine for which no price classifications and minimum prices have been proposed or established shall immediately report such fact.

(c) *Change in operating methods, preparation, etc.* Each code member shall report any change in the method of mining or preparation of coals, or other conditions effecting a material change in the sizes, analyses, or other characteristics of the coal produced by such code member. Such report shall be made within ten days after the occurrence of such change and shall include a statement as to the effect of such change on the sizes, analyses and market qualities of the coals of such code member.

(d) *Reports under (a), (b), and (c); where filed.* The reports required under paragraphs (a), (b), and (c) of this section shall be filed with the Director of the Division within the prescribed period, and copies thereof shall be mailed to the District Board and the Statistical Bureau for the District in which the mines in question are located.

(e) *Analyses, etc.* Each code member who has not heretofore executed and filed for each mine operated by him the form entitled "Questionnaire as to Analysis, Methods of Mining, Preparation of Coals, and Other Information," pursuant to former §§ 309.10 to 309.16, inclusive, as published in Title 30 of the Code of Federal Regulations, shall execute and file such form with the Division for each mine operated by him. Copies of such form may be obtained from the Office of the District Board, any Statistical Bureau of the Division, or by addressing a request therefor to the Director of the Bituminous Coal Division, Washington, D. C. Such form shall be executed in duplicate; one copy thereof shall be filed with the Director, and one copy with the District Board for the District in which the mine in question is located.* (Sec. 4 II (a), 50 Stat. 76, 15 U.S.C. Sup. 833 (a))

§ 308.22 *Contracts executed before June 16, 1933.* (a) Each code member shall file with the Bituminous Coal Division in Washington, D. C., on or before October 14, 1939, or, in the case of a

person who becomes a code member at any later date, within fifteen (15) days from the date of his acceptance of the code, a notarized report (code members having a daily capacity of 50 tons or less need not have such report notarized) setting forth the following information:

(1) Whether or not he has outstanding any lawful and bona fide written contract entered into prior to June 16, 1933, which he believes comes within the proviso of the first sentence of sec. 4 II (e) of the Bituminous Coal Act of 1937;

(2) Identifying such contracts, if any, by stating the names of the parties thereto, and the date such contracts were entered into;

(3) A statement as to which of such contracts, if any, were filed with the National Bituminous Coal Commission, pursuant to former §§ 309.1, 309.2, and 309.3, as published in Title 30 of the Code of Federal Regulations.

(b) All code members shall file, together with the report required pursuant to § 308.22 (a), certified copies of all contracts claimed to be exempt from the provisions of sec. 4 II (e) of the Act by reason of the fact that they are lawful and bona fide written contracts entered into prior to June 16, 1933, unless such contracts have been filed with the National Bituminous Coal Commission pursuant to former §§ 309.1, 309.2, and 309.3 as published in Title 30 of the Code of Federal Regulations.* (Sections 2 (a) and 4 II (e), 50 Stat. 72, 76; 15 U.S.C. Sup. 829 (a), 833 (e))

Dated: April 23, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3038; Filed, April 24, 1941;
12:02 p. m.]

[Docket No. A-119]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT No. 4

ORDER OF THE DIRECTOR APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER; AND GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 4, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

An original petition having been filed with the Bituminous Coal Division on October 10, 1940, by District Board 4, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 and Order No. 303 of the Division, proposing and seeking the establishment of price classifications and minimum prices for the coals of certain mines in District 4 not theretofore classified and priced; and

An intervening petition having been filed herein on October 16, 1940, by the Sheban Mining Company, a code member in District 4, seeking a reduction in the minimum prices proposed for its coals by the District Board; and

Temporary relief having been granted herein by Order dated October 19, 1940, temporarily establishing the price classifications and minimum prices shown in "Temporary Supplement No. 3, Schedule of Effective Minimum Prices for District No. 4, for all Shipments Except Truck" and "Temporary Supplement No. 3, Schedule of Effective Minimum Prices for District No. 4, for Truck Shipments," which supplements were annexed to and made part of said Order of October 10, 1940; and

Pursuant to Orders dated October 10, November 12, and November 13, 1940, a hearing having been held in this matter before a duly designated Examiner of the Division, at which all interested parties were afforded an opportunity to be heard; and

The Examiner having made Proposed Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, dated January 25, 1941; and

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed; and

The Director having determined that the Proposed Findings of Fact and Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director:

It is ordered, That the said Proposed Findings of Fact and Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the Director; and

It is further ordered, That § 324.1 (Price instructions and exceptions—(b) Price exceptions) is amended by adding thereto the following provision:

Cannel coal chips, top size not exceeding 3" round hole, produced at Mine Index No. 2314, shall take a minimum price of 75 cents per net ton f. o. b. transportation facilities at the mine, subject to the following conditions:

(1) All orders, acknowledgments and invoices covering shipments of such coal shall specifically designate that the coal is Cannel coal chips, and shall state the specific size thereof.

(2) The producer shall maintain a record of each purchaser or consignee to which Cannel coal chips are shipped and/or delivered, showing whether or not such purchaser or consignee received any Cannel coal chips from this mine prior to October 1, 1940, or between October 1, 1940 and the date of this Order.

(3) The special price of 75 cents as aforesaid may be terminated by the Director for violation of or noncompliance with any of the provisions hereof, or in the event that it appears that the effect of such special price of 75 cents is to disturb existing fair competitive opportunities, or unduly to prejudice any producers.

It is further ordered, That § 324.2 (Seasonal discounts) is amended by add-

§ 324.7 *Alphabetical list of code members—Supplement B*

Alphabetical list of code members having railway loading facilities, showing price classification by Size Group Nos.

Mine No.	Code member	Mine name	Subdist. No.	Seam	Type	Price classification by size group Nos.
30	Del Carbo Mng. Co. (Emmett Orr, secy)	Del Carbo #2	5	0	Deep	1 2 3 4 5 6 7 8 9 10 11 12
187	Hazel Ridge Coal Co. (D. F. Shaler)	Hazel Ridge	41	0	Deep	1 2 3 4 5 6 7 8 9 10 11 12
784	Iles, Harry J.	Iles, Harry J.	22	0	Strip	1 2 3 4 5 6 7 8 9 10 11 12
2376	Iles, Harry J.	Iles, Harry J.	22	0	Strip	1 2 3 4 5 6 7 8 9 10 11 12
2270	King Coal Co. (Olyde E. King)	King	25	0	Strip	1 2 3 4 5 6 7 8 9 10 11 12
2220	Nash, G. J.	Nash	64	0	Strip	1 2 3 4 5 6 7 8 9 10 11 12
1680	Orchard Coal Co., The	Orchard	4	2	Strip	1 2 3 4 5 6 7 8 9 10 11 12
2228	Rutland Coal Co. (Freeman Nelson)	Brown	8	2	Strip	1 2 3 4 5 6 7 8 9 10 11 12
177	Ryan, D. M. (C. C. Co.)	McFadden	16	8	Strip	1 2 3 4 5 6 7 8 9 10 11 12
1682	Silko, George, Jr.	Sugar Tree	1	2	Strip	1 2 3 4 5 6 7 8 9 10 11 12
92	Williamson, J. B.	Marion	14	8	Strip	1 2 3 4 5 6 7 8 9 10 11 12

1 Subject to Exception No. 4, § 324.1 (b), of Schedule of Minimum Prices for District No. 4.

§ 324.10 *General prices—Supplement C*

[Prices for all-rail shipment from mines indexed below into market areas as shown. For shipment into all market areas—See § 324.9 and 324.10 of Minimum Price Schedule for District No. 4. Also applies to Market Areas 68 and 69 (Great Lakes), § 324.11 (b) and (c), and Vessel Fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Cambridge	16	Add 8	(Subject to Exception No. 4, Page 3.)	Add Mine Index No. 630.
	16	Add 8	11, 163 (Subject to Exception No. 4, Page 3.)	Add Mine Index No. 630.
Hocking	21, 22, 23, 27, 28		1, 27, 33, 41, 47, 63, 61, 64, 73, 74, 75, 76	Add Mine Index No. 632.
Pomerooy	23, 25		14, 22, 38, 70, 82, 100, 101, 103, 112, 113	Add Mine Index No. 157.
Crooksville	31, 32		8, 97	Add Mine Index No. 227-228.
Middle	53, 54, 57		49, 50, 67, 91, 132	Add Mine Index No. 223.

Prices as shown in § 324.9, 324.10, 324.11 (b), 324.11 (c), and 324.11 (d) of the Minimum Price Schedule for District No. 4 apply to all additional mine index numbers hereinabove noted.

ing thereto Supplement A, § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement B, § 324.10 (*General prices*) is amended by adding thereto Supplement C, § 324.11 (*Special prices—(a) Railroad Fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto Supplement D and § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by

H. A. GRAY,
Director.

SUPPLEMENTS TO SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in these Supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.2 *Seasonal discounts—Supplement A*

[Seasonal discounts—On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 68 and 69 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discounts during month of—			
					April	May	June	July
Cambridge		Add 8		Add Mine Index No. 630.	50	50	10	10
	16		11, 163	Add Mine Index No. 632.	50	50	10	10
Hocking	21, 22, 23, 27, 28		1, 27, 33, 41, 47, 63, 61, 64, 73, 74, 75, 76, 80, 100, 101, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113	Add Mine Index No. 157.	50	40	20	10
Pomerooy	23, 25		14, 22, 38, 70, 82, 100, 101, 103, 112, 113	Add Mine Index No. 227-228.	50	40	20	10
Crooksville	31, 32		8, 97	Add Mine Index No. 784-2376.	50	20	10	10
Middle	53, 54, 57		49, 50, 67, 91, 132	Add Mine Index No. 223.	50	20	10	10

Seasonal discounts as shown in § 324.2 of the Minimum Price Schedule for District No. 4 apply to all additional mine index numbers hereinabove noted.

§ 324.11 Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel—Supplement D

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—See § 324.11 (a) of Minimum Price Schedule for District No. 4.]

Name of railroad	Mine Index Nos.	Additional mine Index Nos.
Baltimore & Ohio Railroad Co.	10, 21, 30, 33, 39, 49, 53, 71, 72, 73, 81, 85, 87, 95, 96, 103, 104, 106, 116, 121, 124, 128, 134, 136, 144, 146, 147, 151, 156, 157, 160, 162, 8, 25, 133, 163, 161	Add mine index No. 680.
Chesapeake & Ohio Railway Co.	14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 168, 170, 171	Add mine index Nos. 784, 2376.
New York Central System	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 54, 59, 64, 66, 73, 74, 83, 90, 91, 100, 107, 109, 126, 138, 141, 143, 166, 168, 172	Add mine index No. 2227.
Pennsylvania Railroad Co.	11, 26, 31, 42, 43, 49, 50, 55, 56, 57, 62, 65, 67, 69, 81, 94, 111, 114, 116, 132, 152, 162, 165, 169	Add mine index Nos. 680, 682, 2220.
Alton, Canton & Youngstown Railway Co.		
Ann Arbor Railroad Co.		
Canadian National Railways and Grand Trunk Railway System.		
Canadian Pacific Railway Co.		
Detroit & Toledo Shore Line Railroad Co.		
Erie Railroad		
Nickel Plate Road (New York Chicago & St. Louis Railroad Co.)		
Pere Marquette Railway Co.		
For all Railroads not shown above	From mine index Nos.: 3, 5, 7, 8, 12, 13, 16, 25, 39, 37, 45, 48, 68, 77, 79, 92, 97, 103, 110, 119, 135, 163, 165, 169, 161, 166.	Add mine index Nos. 784, 2376.

Prices as shown in § 324.11 (a) of the Minimum Price Schedule for District No. 4 apply to all additional mine index numbers hereinabove noted.

FOR TRUCK SHIPMENTS

§ 324.24 General prices in cents per net ton for shipment into all market areas—Supplement E

Code member index	Mine	Mine Index No.	Seam	Base sizes							
				6" jump	3'-4"-6" jump	2' jump	2' x 4' egg, 2'	1 1/2" jump, 1 1/4" x 4' egg	Mine run nut and pea	2' x 0 slack	3/4" x 0 slack
Sub-District No. 1—EASTERN OHIO BELMONT COUNTY	Coleman, James	531	8	285	275	260	235	230	220	200	190
	Guinea Construction Company (c/o George R. Barnes)	2289	8	275	265	250	225	220	210	190	180
	J. R. Ramsey, Administrator C. H. Ramsey Estate	560	8A	285	275	260	235	230	220	200	190
	Schramm's Run Coal Co. (Harry F. Lewis)	562	8	285	275	260	235	230	220	200	190
HARRISON COUNTY	Smolak, John	2333	7	275	265	250	225	220	210	190	180
	Commonwealth	2273	8	285	275	260	235	230	220	200	190
JEFFERSON COUNTY	Bel, C. T.	2271	8	285	275	260	235	230	220	200	190
	Thompson & Sons (J. B. Thompson)										

§ 324.24 General prices in cents per net ton for shipment into all market areas—Supplement E—Continued

Code member index	Mine	Mine Index No.	Seam	Base sizes							
				6" jump	3'-4"-6" jump	2' jump	2' x 4' egg, 2'	1 1/2" jump, 1 1/4" x 4' egg	Mine run nut and pea	2' x 0 slack	3/4" x 0 slack
Sub-District No. 2—OAMBRIDGE GUERNSEY COUNTY	Hammond & Archer (C. W. Archer)-Midway Coal Company (Emil Batki)	2347 2350	7	270	260	245	220	220	220	200	190
	Silfko, George, Jr.	682	7	270	260	245	220	220	220	200	190
	Three C. Coal Company (John W. Gill)	686	7	270	260	245	220	220	220	200	190
				270	260	245	220	220	220	200	190
NOBLE COUNTY	Allen & Son, O. H. (O. H. Allen)	2291	9	270	260	245	220	220	220	200	190
	Finley, Homer E.	2326	8	270	260	245	220	220	220	200	190
	Leonard	2326	9	270	260	245	220	220	220	200	190
	Singer & Sons, Henry (Henry Singer)-Vanfossen Brothers (Delbert Vanfossen)	2311 2338	8	270	260	245	220	220	220	200	190
Sub-District No. 3—BERGHOIZ JEFFERSON COUNTY	Vanfossen & Connery (Fleet Vanfossen)	2338	8	270	260	245	220	220	220	200	190
				270	260	245	220	220	220	200	190
				270	260	245	220	220	220	200	190
				270	260	245	220	220	220	200	190
Sub-District No. 4—MIDDLE CARROLL COUNTY	Hughes, S. O.	1037	8	285	275	260	235	230	220	200	190
	Wade, Frank	2275	6	285	275	260	235	230	220	200	190
	Wilkman, G. R.	2274	6	285	275	260	235	230	220	200	190
				285	275	260	235	230	220	200	190
COLUMBIANA COUNTY	Lawrence, Homer K.	2224	Harlem	275	265	250	225	225	220	190	180
				275	265	250	225	225	220	190	180
				275	265	250	225	225	220	190	180
				275	265	250	225	225	220	190	180
COSHOCK COUNTY	Black Hawk Mines (Ermino Locke)-Burn Rite Coal Co. (Mike Mercure)-Helm, Adolph	2290 2304 2309	7	300	290	275	250	245	225	205	195
	Henry, Elwood P.	2216	6	300	290	275	250	245	225	205	195
				300	290	275	250	245	225	205	195
				300	290	275	250	245	225	205	195
Sub-District No. 5—JEFFERSON COUNTY	Loop, C. R.	2225	6	280	270	250	225	220	195	165	155
	McIntyre Coal Company (Raymond McIntyre)	2216	6	280	270	250	225	220	195	165	155
	Nash, G. L.	2220	6	280	270	250	225	220	195	165	155
	Wiegman, Daniel	2218	6	280	270	250	225	220	195	165	155
GUERNSEY COUNTY	Zane Coal Company, c/o Russell R. Evans	2309	6	280	270	250	225	220	195	165	155
				280	270	250	225	220	195	165	155
				280	270	250	225	220	195	165	155
				280	270	250	225	220	195	165	155
HOLMES COUNTY	Birds Run Coal Company (Harry Hutton)-Leaning Oak Coal Co. (Clarence Morgan)	2325 1983	6	280	270	250	225	220	195	165	155
				280	270	250	225	220	195	165	155
				280	270	250	225	220	195	165	155
				280	270	250	225	220	195	165	155
Sub-District No. 6—JEFFERSON COUNTY	Blue Blase Coal Co., Ltd. (E. C. Kasst)	1579	6	275	265	250	225	220	195	165	150
	Hitchcock, Donald H.	2282	6	275	265	250	225	220	195	165	150
				275	265	250	225	220	195	165	150
				275	265	250	225	220	195	165	150

§ 324.24 General prices in cents per net ton for shipment into all market areas—
Supplement E—Continued

Indian Ledge Mine has no connection with Silver Maple Mine, Mine Index No. 1030.

§ 324.24 General prices in cents per net ton for shipment into all market areas—
Supplement E—Continued

Code member index	Mine	Mine Index No.	Seam	Base sizes									
				6" lump	3'-4"-8" lump	2' lump	2' x 4' eggs, 2' x 6' eggs	1 1/2" lump, 1 1/4" x 4' egg	Mine run nut and pea	2' x 0 slack	3/4" x 0 slack		
				1	2	3	4	5	6	7	8		
SUB-DISTRICT No. 7—JACKSON—Continued													
LAWRENCE COUNTY													
Adkins Bros. (Floyd Adkins).....	Adkins.....	2344	5.....	295	285	275	250	245	195	175	165		
Barcus, Grant G.....	Barcus.....	2248	4.....	295	285	275	250	245	195	175	165		
Barney, J. D.....	Barney.....	1149	2.....	295	285	275	250	245	195	175	165		
Carter, Dock & Al (Dock Carter).....	Ellecessor #2.....	1129	8.....	295	285	275	250	245	195	155	145		
Derfield & Moore (Robert Derfield).....	Kelly #2.....	2290	5.....	295	285	275	250	245	195	175	165		
Hankins, B. H.....	Hankins.....	2292	5.....	295	285	275	250	245	195	175	165		
Howell, Ginn & Hunley Coal Co. (J. D. Howell).....	Ginn.....	2293	5.....	295	285	275	250	245	195	175	165		
Kidd & Webb (Henry Kidd).....	Kidd.....	2285	5.....	295	285	275	250	245	195	175	165		
McComas, Berkley (McComas Coal Co.).....	Berkley McComas.....	2340	8.....	295	285	275	250	245	195	155	145		
O'Neill, Clyde.....	O'Neill.....	2343	8.....	295	285	275	250	245	195	155	145		
Sheets, William.....	Sheets.....	2339	8.....	295	285	275	250	245	195	155	145		
Tredway, W. L. & Tip (W. L. Tredway).....	Ellecessor #1.....	2345	8.....	295	285	275	250	245	195	155	145		
Webb Coal Co. (Hazel Webb).....	Webb.....	1148	5.....	295	285	275	250	245	195	165	155		
Webb, Kelly & Walters Coal Co. (Lester Kelly).....	Kelly #1.....	2294	5.....	295	285	275	250	245	195	175	165		
VINTON COUNTY													
McArthur Stone Co. (Ralph Crow).....	Crow #1.....	2330	4.....	295	285	275	250	245	195	175	165		
Peacock & Ogan (Frank Peacock).....	Peacock.....	1219	4.....	295	285	275	250	245	195	175	165		
SUB-DISTRICT No. 8—POMEROY													
GALLIA COUNTY													
Athey, Olair.....	Athey.....	2377	8.....	295	285	275	250	245	195	140	140		
Dennison Coal Co., Henry (Henry Dennison).....	Massie.....	2161	8.....	295	285	275	250	245	195	140	140		
Ewing, Raymond.....	Davis.....	1247	8.....	295	285	275	250	245	195	140	140		
King & Bevan (Asa Bevan).....	Bevan.....	2276	8.....	295	285	275	250	245	195	140	140		
Leading Creek Coal Co. (Worley Haley).....	Carson.....	2318	8.....	295	285	275	250	245	195	140	140		
Ragan, Franklin W.....	Garland.....	2272	8.....	295	285	275	250	245	195	140	140		
Rife, Marlin.....	Metcalf.....	1261	8.....	295	285	275	250	245	195	140	140		
Rutland Coal Co. (Freeman Nelson).....	Brown.....	2228	8.....	295	285	275	250	245	195	140	140		
Sansbury Coal Co. (Charley Sansbury).....	Sansbury.....	2312	8.....	295	285	275	250	245	195	140	140		
Williams, James Preston.....	Williams.....	1266	8.....	295	285	275	250	245	195	140	140		
MEIGS COUNTY													
Donahue Coal Co. (Clyde Donahue).....	Barton.....	2317	8.....	295	285	275	250	245	195	140	140		
Hager & Russell (Edgar Russell).....	Hager & Russell.....	2170	6.....	295	285	275	250	245	195	140	140		
Hembrick Coal Co. (W. H. Hembrick).....	Hembrick.....	2305	8.....	295	285	275	250	245	195	140	140		
Hysell Bros. (Henry Hysell).....	Barrett.....	2316	8.....	295	285	275	250	245	195	140	140		
Hysell, Dolph.....	Dolph Hysell.....	2301	8.....	295	285	275	250	245	195	140	140		
Jordan, C. R.....	Jordan.....	2313	8.....	295	285	275	250	245	195	140	140		
Kennedy Coal Co. (W. A. Kennedy).....	Kennedy.....	2306	8.....	295	285	275	250	245	195	140	140		
King Coal Co. (Clyde E. King).....	King.....	2227	8.....	295	285	275	250	245	195	140	140		
Lee Bros. Coal Co. (William H. Lee).....	Karr.....	2307	8.....	295	285	275	250	245	195	140	140		
Miller, Marshall A.....	Miller.....	2303	8.....	295	285	275	250	245	195	140	140		
New Coal Ridge Coal Co. (Madison Perry).....	New Coal Ridge Coal.....	2300	8.....	295	285	275	250	245	195	140	140		
R & S & Co. (George Renshaw).....	R & S.....	1308	8A.....	295	285	275	250	245	195	140	140		

[F. R. Doc. 41-3037; Filed, April 24, 1941; 12:01 p. m.]

[Docket No. A-482]

**PART 328—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 8**

ORDER OF THE DIRECTOR GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF THE WYATT COAL COMPANY, A PRODUCER IN DISTRICT 8, FOR CHANGE IN EFFECTIVE MINIMUM PRICES OF COALS PRODUCED AT ITS WYMAR MINE

An original petition having been filed by the Wyatt Coal Company, with the Bituminous Coal Division, on December 12, 1940, pursuant to section 4 II (d) of

the Bituminous Coal Act of 1937, requesting a reclassification of the coals of the Wymar Mine (Mine Index No. 508), in Size Groups 1-4 from "J" to "M", in Size Groups 5-6 from "H" to "L", and in Size Group 7 from "G" to "K"; and

An Order of the Director dated December 27, 1940, having granted temporary relief to the Wyatt Coal Company, pursuant to and in accordance with its request; and

A joint petition of intervention having been filed by Riverton Coal Company and Raymond City Coal and Transportation

Corporation, code members in District 8, requesting that either the temporary relief granted to the original petitioner be rescinded, or, in the alternative, if the temporary relief was made final, that similar relief be extended for the coals produced by Riverton Coal Company at its Riverton No. 2 Mine (Mine Index No. 523); and

A hearing having been held before a duly designated examiner of the Division, at a hearing room of the Division, in Washington, D. C., on January 27, 1941, at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and be otherwise heard; and

The parties to this proceeding having waived the preparation and filing of a report by the examiner and the matter thereupon having been submitted to the Director; and

The Director having made Findings of Fact and Conclusions of Law and rendered an opinion dated April 24, 1941, which are filed herewith;

It is ordered, That, commencing forthwith, § 328.11 (Alphabetical list of code members) be and the same hereby is amended by establishing the following price classifications and corresponding effective minimum prices for the coals of the Wymar Mine (Mine Index No. 508) of Wyatt Coal Company and the Riverton No. 2 Mine (Mine Index No. 523) of Riverton Coal Company, in Size Groups 1-7;

	Destinations other than Great Lakes	Great Lakes cargo only
Size groups 1-4.....	M	M
Size groups 5-6.....	L	L
Size group 7.....	K	G

It is further ordered, That the petitions of all parties hereto be and they are granted to the extent set forth above, and in all other respects are denied.

Dated: April 24, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3064; Filed, April 25, 1941; 11:38 a. m.]

[Docket No. A-8]

**PART 330—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 10**

MEMORANDUM OPINION AND ORDER OF THE DIRECTOR APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING FINAL RELIEF IN THE MATTER OF THE PETITION OF FORSYTH-CARTERVILLE COAL COMPANY TO REVISE THE EFFECTIVE MINIMUM PRICES FOR MINE INDEX 50, DISTRICT 10, IN SIZE GROUPS 1-8, INCLUSIVE, EXCEPT 7

An original petition was duly filed with the Bituminous Coal Division by the Forsyth-Carterville Coal Company, a code member in District 10, on August 8, 1940, pursuant to section 4 II (d) of

the Bituminous Coal Act of 1937. As amended on October 1, 1940, the petition requested a 20 cent reduction in the effective minimum prices for the coals of the Forsyth-Carterville Mine (Mine Index No. 50) in District 10, in Size Groups 1-6 and 8.

Pursuant to an Order of the Director, dated October 3, 1940, a hearing in this matter was held on October 17 and 18, 1940, before Edward J. Hayes, a duly designated Examiner, at a hearing room of the Division, Washington Hotel, Washington, D. C. All interested parties were afforded full opportunity to appear, present evidence, cross-examine witnesses, and otherwise be heard.

The Examiner made Proposed Findings of Fact and Conclusions of Law, dated January 18, 1941. An opportunity was then afforded to all parties to file exceptions to said Findings and Conclusions and supporting briefs.

On February 15, 1941, District Board 10 filed such exceptions alleging that the Examiner had failed to consider the prices requested in the petition in relation to Price Exception No. 7 in the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck, and excepting to the failure of the Examiner to find that if the proposed price reductions of 20 cents for Size Groups Nos. 1-6 and 8 are established, undue preference and unfair competitive opportunities to the original petitioner will result unless the seasonal discounts provided in Price Exception No. 7 for coals in Size Groups 1, 2, 3, 5, and 8 are likewise reduced by 20 cents, or eliminated wherever such discounts amount to 20 cents or less.

Apparently, District Board 10 does not object to the granting of relief to petitioner, as recommended by the Examiner, except insofar as such relief applies to the sale of petitioner's coals during the summer season. However, the Board fails to show why the 20-cent reduction in the effective minimum price for petitioner's coals, in Size Groups 1-6 and 8 is not necessary during that season as well as during the other seasons of the year, in order properly to relate petitioner's coals to competing coals.

District Board 10 apparently urges decreases in the seasonal discounts accorded to the Forsyth-Carterville coals, commensurate with the price reductions recommended by the Examiner. However, the Board adduced no evidence demonstrating that lesser seasonal discounts are either necessary or proper; in fact, this is the first time in this proceeding it has urged that they be decreased. It should further be noted that although other coals produced in District 10 which have prices lower than the prices recommended by the Examiner for the Forsyth-Carterville coals enjoy the same seasonal discounts presently effective for the latter coals, there has been no objection to such discounts.

Seasonal discounts are designed to encourage the movement of domestic coals

during the summer months when the demand of the ultimate consumer for such coals slackens. They have been established to encourage the purchase of such coals which can be stocked and which have generally sold at seasonal discounts in the past. If the reduction requested by petitioner is necessary in order properly to reflect the relative market values of those coals, and the exceptions filed by District Board 10 do not contest that, then there is no reason why that reduction is not likewise required as to shipments during the summer months. No showing has been made nor is there anything in the record to indicate that the relative market values of petitioner's coals in Size Groups 1-6 and 8 as against competing District 10 coals vary with the seasons of the year. Nor does the record demonstrate that application of the reductions requested by original petitioner during all seasons of the year will in any manner adversely affect the existing fair competitive opportunities of other coals.

Accordingly, the exceptions filed by District Board 10 are without merit and should be denied.

The Director is further of the opinion that the Proposed Findings of Fact and Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director.

Now, therefore, it is ordered, That the exceptions to the Proposed Findings of Fact and Conclusions of Law of the Examiner filed by District Board 10 be and the same are hereby denied.

It is further ordered, That the Proposed Findings of Fact and Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the Director; and

It is further ordered, That commencing forthwith, § 330.9 (General prices) be and the same hereby is amended by reducing the effective minimum prices listed therein for the coals of the Forsyth-Carterville Mine (Mine Index No. 50) of the Forsyth-Carterville Coal Company, in Size Groups 1-6 and 8, for shipment into all market areas, by 20 cents per net ton.

Dated: April 24, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3061; Filed, April 25, 1941;
11:37 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VII—SELECTIVE SERVICE SYSTEM

[Amendment No. 39]

AMENDING THE REGULATIONS SO AS TO PROVIDE FOR THE REMOVAL OF ANY EMPLOYEE, AGENT, OR OFFICER BY THE DIRECTOR OF SELECTIVE SERVICE

By virtue of the provisions of the Selective Training and Service Act of 1940,

approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective ten (10) days from the date of filing with the Division of the Federal Register, Volume One,¹ Section VIII, of the Selective Service Regulations, by adding thereto a new paragraph to read as follows:

177. *Removal by Director of Selective Service.* Any employee, agent, or officer of the Selective Service System may be removed for cause by the Director of Selective Service with or without the recommendation of the Governor. The Governor may recommend to the Director of Selective Service the removal of any such employee, agent, or officer for cause. The Director of Selective Service shall make such investigation of the Governor's recommendation as he deems necessary and upon completion thereof shall take such action thereon as he deems proper.

LEWIS B. HERSHEY,
Deputy Director.

APRIL 23, 1941.

[F. R. Doc. 41-3039; Filed, April 24, 1941;
3:41 p. m.]

[Amendment No. 40]

AMENDING THE REGULATIONS SO AS TO CLARIFY THE RIGHT TO EMPLOY AND THE RATES OF PAY FOR INTERMITTENT OR PART-TIME SERVICES TO LOCAL BOARDS

By virtue of the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective ten (10) days after the filing of this amendment with the Division of the Federal Register, the Selective Service Regulations, Volume Five, Section XL, Paragraph 517,² by adding to the present subparagraph c the following:

Additional clerical assistants for intermittent or part-time service may be employed and compensated at hourly or daily rates of pay. No such employee shall receive compensation in excess of a rate of \$1.00 per hour or \$5.00 in any one day, or aggregating more than \$50.00 in any one month, regardless of whether he is employed by one or more local boards; nor shall such person be so employed if the maximum allowance (Par. 517e) for office assistants will be exceeded for any one month, except upon specific authority of the Director of Selective Service at the recommendation of the Governor.

LEWIS B. HERSHEY,
Deputy Director.

APRIL 23, 1941.

[F. R. Doc. 41-3040; Filed, April 24, 1941;
3:41 p. m.]

¹ 5 F.R. 3779.
² 5 F.R. 3936.

[Amendment No. 41]

AMENDING THE REGULATIONS SO AS TO MAKE EMPLOYMENT OF CLERK OF BOARD OF APPEAL PERMISSIVE RATHER THAN MANDATORY, AND TO FIX MAXIMUM CLASSIFICATION FOR THE CLERK AND ANY ADDITIONAL CLERICAL OR OTHER ASSISTANTS

By virtue of the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective ten (10) days after the filing of this amendment with the Division of the Federal Register, Volume Five, Section XI, Paragraph 518,¹ Selective Service Regulations, by striking out the present subparagraphs a and b and inserting in lieu thereof the following:

518. *Office assistants, boards of appeal: Rates when compensated.* a. Each board of appeal may have one clerk employed on either a full-time or part-time basis and may have one or more additional clerical or other assistants. (See par. 510)

b. A clerk shall not be employed in a classification grade higher than CAF-4, the entrance salary for which is \$1,800 per annum, and any additional clerical assistants shall not be employed in a classification grade higher than CAF-2, the entrance salary rate for which is \$1,440 per annum, except upon specific authority of the Director of Selective Service at the recommendation of the Governor. These classification grades are maximum only, and shall be used only when the volume of work justifies such grades. Clerks or assistants required for temporary, intermittent or part-time service shall be employed under the provisions of par. 519.

LEWIS B. HERSHEY,
Deputy Director.

APRIL 23, 1941.

[F. R. Doc. 41-3041; Filed, April 24, 1941;
3:41 p. m.]

[Amendment No. 42]

AMENDING THE TABLE OF CONTENTS, VOLUME FIVE, TO CONFORM TO THE REGULATIONS AS REVISED

By virtue of the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940 and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective ten (10) days after the filing of this amendment with the Division of the Federal Register, the Table of Contents, Volume Five, Section XL,² Page III, by changing the last line to read as follows:

¹ 5 F.R. 3937.

² 5 F.R. 3935.

Office assistants, temporary, and intermittent or part time----- 519 6

LEWIS B. HERSHEY,
Deputy Director

APRIL 23, 1941.

[F. R. Doc. 41-3042; Filed, April 24, 1941;
3:41 p. m.]

[Amendment No. 43]

AMENDING THE REGULATIONS REQUIRING ALL OFFICE ASSISTANTS, TEMPORARY, INTERMITTENT, OR PART-TIME EMPLOYEES, EXCEPT FOR LOCAL BOARDS, TO BE EMPLOYED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE UNITED STATES CIVIL SERVICE COMMISSION AND THE PROVISIONS OF THE CLASSIFICATION ACT OF 1923, AND SETTING OUT DETAILS RELATED THERETO

By virtue of the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective ten (10) days after the filing of this amendment with the Division of the Federal Register, Volume Five, Section XI, Paragraph 519¹ of the Selective Service Regulations by striking out the present paragraph and substituting therefor the following:

519. *Office assistants, temporary, and intermittent or part-time.* a. Except for local boards (see Par. 517), all office assistants including those employed for temporary, and intermittent or part-time service, shall be employed in accordance with the rules and regulations of the United States Civil Service Commission, and the provisions of the Classification Act of 1923 as heretofore or hereafter amended. (See Section XLIV.)

b. Temporary appointments shall be made under one of the following numbered sections of Civil Service Rule VIII:

1. Temporary, pending regular filling of vacancy;
2. Temporary, pending establishment of register;
3. Temporary, pending certification of eligibles;
4. Temporary, for job employment.

c. Schedule A, Section I, Paragraph 6 of the Civil Service Rules, permits employment without selection from a Civil Service register of:

any person receiving from one department or establishment of the Government for his personal salary compensation, aggregating not more than \$540 per annum, whose duties require only a portion of his time, or whose services are needed for very brief periods at intervals: *Provided*, That employment under this provision shall not be for job work

¹ 5 F.R. 3937.

such as contemplated in section 4 of rule VIII. * * *

Any employment made under this provision shall be at one of the standard classification grades and salaries. The daily equivalent of an annual salary rate is determined by dividing the annual salary rate by 360. The daily and hourly equivalents for some of the standard CAF annual salary rates are as follows:

CAF grade	Annual	Daily (7-hour day)	Hourly
1.....	\$1,200	\$3.00	\$0.60
2.....	1,440	4.00	.57
3.....	1,620	4.50	.64
4.....	1,800	5.00	.71

Employments under this paragraph are adaptable particularly to clerical assistants for medical advisory boards and similar positions, where part-time intermittent service is required. All employments of this nature must be cleared through the appropriate Civil Service District Manager in the same manner as for regular Civil Service appointments.

LEWIS B. HERSHEY,
Deputy Director.

APRIL 23, 1941.

[F. R. Doc. 41-3043; Filed, April 24, 1941;
3:42 p. m.]

[Amendment No. 44]

AMENDING A REGULATION CROSS-REFERENCE TO CONFORM TO THE REGULATIONS AS REVISED

By virtue of the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective ten (10) days after the filing of this amendment with the Division of the Federal Register, Volume Five, Section XLIII, paragraph 548,¹ of the Selective Service Regulations, by deleting the present parenthetical statement at the end of subparagraph h and by inserting in lieu thereof the following:

(See pars. 517-519.)

LEWIS B. HERSHEY,
Deputy Director.

APRIL 23, 1941.

[F. R. Doc. 41-3044; Filed, April 24, 1941;
3:42 p. m.]

[Amendment No. 45]

AMENDING THE REGULATIONS SO AS TO LIMIT THE EMPLOYMENT OF AN OFFICE ASSISTANT FOR A MEDICAL ADVISORY BOARD

By virtue of the provisions of the Selective Training and Service Act of 1940,

¹ 5 F.R. 3941.

approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective ten (10) days after the filing of this amendment with the Division of the Federal Register, Volume Five, Section XLIV, Paragraph 554¹ of the Selective Service Regulations by deleting the present subparagraph c and inserting in place thereof the following:

c. Subject to paragraph 552, the chairman of a medical advisory board is authorized to appoint an office assistant for his board if such position is essential; *Provided, however,* That such person shall be employed on a per diem or an hourly basis only (see par. 519) and provided, further, that such person shall not be employed for more than 10 days or 70 hours in any one calendar month except upon specific authority of the Director of Selective Service at the recommendation of the Governor.

LEWIS B. HERSHEY,
Deputy Director.

APRIL 23, 1941.

[F. R. Doc. 41-3045; Filed, April 24, 1941;
3:42 p. m.]

[Amendment No. 46]

AMENDING THE REGULATIONS WITH RESPECT TO SALARIES OF CIVILIAN PERSONNEL

By virtue of the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective ten (10) days after the filing of this amendment with the Division of the Federal Register, Volume Five, Section XLIV, Paragraph 558,¹ Selective Service Regulations, by striking out the present Paragraph 558 and inserting in place thereof the following:

558. *Salary rates.* a. All original appointments to positions subject to the Civil Service Rules and Regulations and the Classification Act of 1923, as amended, shall be at the minimum salary for the respective classification grade. For example, the original appointment of a junior typist, CAF-1, shall be at the minimum rate of that grade, \$1,260 per annum. An appointment by reinstatement or by transfer from another Government agency is not considered an original appointment and may be made at any standard salary rate, in the appropriate classification grade, not more than the salary received in the former position, except that in the case of an appointment by reinstatement or transfer to a position of a classification grade carrying a higher entrance salary than the salary received in the former position, the sal-

ary shall be the minimum for the new classification grade.

b. The salary rates prescribed by the Classification Act of 1923, as amended by the Act of July 3, 1930, are as shown in the following tabulation. These classification grades and salaries shall apply to all civilian positions in the Se-

lective Service System, except the following: (1) office assistants for local boards; (2) positions appointments to which are made by and with the advice and consent of the Senate; (3) positions in Puerto Rico; and (4) any other positions which may be hereafter excepted by proper authority.

Classification pay scale by grades

[Classification Act of 1923 as amended by Act of July 3, 1930]

Grade				Entrance salary	Standard promotion steps within classification grade									
P	CAF	OU	SP											
		1		\$600	\$600	\$720	\$720	\$840						
		2	1	1,020	1,020	1,140	1,200	1,320	\$1,320					\$1,330
		3	2	1,080	1,140	1,200	1,260	1,320	1,380					
		4	3	1,140	1,200	1,260	1,320	1,380	1,440	1,500				
	1	5	4	1,200	1,260	1,320	1,380	1,440	1,500	1,560	1,620			1,630
	2	6	5	1,260	1,320	1,380	1,440	1,500	1,560	1,620	1,680	1,740		1,750
	3	7	6	1,320	1,380	1,440	1,500	1,560	1,620	1,680	1,740	1,800		1,810
	4	8	7	1,380	1,440	1,500	1,560	1,620	1,680	1,740	1,800	1,860		1,870
	5	9	8	1,440	1,500	1,560	1,620	1,680	1,740	1,800	1,860	1,920	1,980	
	6	10	9	1,500	1,560	1,620	1,680	1,740	1,800	1,860	1,920	1,980	2,040	
1	7	11	10	1,560	1,620	1,680	1,740	1,800	1,860	1,920	1,980	2,040	2,100	
2	8	12	11	1,620	1,680	1,740	1,800	1,860	1,920	1,980	2,040	2,100	2,160	
3	9	13	12	1,680	1,740	1,800	1,860	1,920	1,980	2,040	2,100	2,160	2,220	
4	10	14	13	1,740	1,800	1,860	1,920	1,980	2,040	2,100	2,160	2,220	2,280	
5	11	15	14	1,800	1,860	1,920	1,980	2,040	2,100	2,160	2,220	2,280	2,340	
6	12	16	15	1,860	1,920	1,980	2,040	2,100	2,160	2,220	2,280	2,340	2,400	
7	13	17	16	1,920	1,980	2,040	2,100	2,160	2,220	2,280	2,340	2,400	2,460	
8	14	18	17	1,980	2,040	2,100	2,160	2,220	2,280	2,340	2,400	2,460	2,520	
9	15	19	18	2,040	2,100	2,160	2,220	2,280	2,340	2,400	2,460	2,520	2,580	
	16	20	19	2,100	2,160	2,220	2,280	2,340	2,400	2,460	2,520	2,580	2,640	
	17	21	20	2,160	2,220	2,280	2,340	2,400	2,460	2,520	2,580	2,640	2,700	
	18	22	21	2,220	2,280	2,340	2,400	2,460	2,520	2,580	2,640	2,700	2,760	
	19	23	22	2,280	2,340	2,400	2,460	2,520	2,580	2,640	2,700	2,760	2,820	
	20	24	23	2,340	2,400	2,460	2,520	2,580	2,640	2,700	2,760	2,820	2,880	
	21	25	24	2,400	2,460	2,520	2,580	2,640	2,700	2,760	2,820	2,880	2,940	
	22	26	25	2,460	2,520	2,580	2,640	2,700	2,760	2,820	2,880	2,940	3,000	
	23	27	26	2,520	2,580	2,640	2,700	2,760	2,820	2,880	2,940	3,000	3,060	
	24	28	27	2,580	2,640	2,700	2,760	2,820	2,880	2,940	3,000	3,060	3,120	
	25	29	28	2,640	2,700	2,760	2,820	2,880	2,940	3,000	3,060	3,120	3,180	
	26	30	29	2,700	2,760	2,820	2,880	2,940	3,000	3,060	3,120	3,180	3,240	
	27	31	30	2,760	2,820	2,880	2,940	3,000	3,060	3,120	3,180	3,240	3,300	
	28	32	31	2,820	2,880	2,940	3,000	3,060	3,120	3,180	3,240	3,300	3,360	
	29	33	32	2,880	2,940	3,000	3,060	3,120	3,180	3,240	3,300	3,360	3,420	
	30	34	33	2,940	3,000	3,060	3,120	3,180	3,240	3,300	3,360	3,420	3,480	
	31	35	34	3,000	3,060	3,120	3,180	3,240	3,300	3,360	3,420	3,480	3,540	
	32	36	35	3,060	3,120	3,180	3,240	3,300	3,360	3,420	3,480	3,540	3,600	
	33	37	36	3,120	3,180	3,240	3,300	3,360	3,420	3,480	3,540	3,600	3,660	
	34	38	37	3,180	3,240	3,300	3,360	3,420	3,480	3,540	3,600	3,660	3,720	
	35	39	38	3,240	3,300	3,360	3,420	3,480	3,540	3,600	3,660	3,720	3,780	
	36	40	39	3,300	3,360	3,420	3,480	3,540	3,600	3,660	3,720	3,780	3,840	
	37	41	40	3,360	3,420	3,480	3,540	3,600	3,660	3,720	3,780	3,840	3,900	
	38	42	41	3,420	3,480	3,540	3,600	3,660	3,720	3,780	3,840	3,900	3,960	
	39	43	42	3,480	3,540	3,600	3,660	3,720	3,780	3,840	3,900	3,960	4,020	
	40	44	43	3,540	3,600	3,660	3,720	3,780	3,840	3,900	3,960	4,020	4,080	
	41	45	44	3,600	3,660	3,720	3,780	3,840	3,900	3,960	4,020	4,080	4,140	
	42	46	45	3,660	3,720	3,780	3,840	3,900	3,960	4,020	4,080	4,140	4,200	
	43	47	46	3,720	3,780	3,840	3,900	3,960	4,020	4,080	4,140	4,200	4,260	
	44	48	47	3,780	3,840	3,900	3,960	4,020	4,080	4,140	4,200	4,260	4,320	
	45	49	48	3,840	3,900	3,960	4,020	4,080	4,140	4,200	4,260	4,320	4,380	
	46	50	49	3,900	3,960	4,020	4,080	4,140	4,200	4,260	4,320	4,380	4,440	
	47	51	50	3,960	4,020	4,080	4,140	4,200	4,260	4,320	4,380	4,440	4,500	
	48	52	51	4,020	4,080	4,140	4,200	4,260	4,320	4,380	4,440	4,500	4,560	
	49	53	52	4,080	4,140	4,200	4,260	4,320	4,380	4,440	4,500	4,560	4,620	
	50	54	53	4,140	4,200	4,260	4,320	4,380	4,440	4,500	4,560	4,620	4,680	
	51	55	54	4,200	4,260	4,320	4,380	4,440	4,500	4,560	4,620	4,680	4,740	
	52	56	55	4,260	4,320	4,380	4,440	4,500	4,560	4,620	4,680	4,740	4,800	
	53	57	56	4,320	4,380	4,440	4,500	4,560	4,620	4,680	4,740	4,800	4,860	
	54	58	57	4,380	4,440	4,500	4,560	4,620	4,680	4,740	4,800	4,860	4,920	
	55	59	58	4,440	4,500	4,560	4,620	4,680	4,740	4,800	4,860	4,920	4,980	
	56	60	59	4,500	4,560	4,620	4,680	4,740	4,800	4,860	4,920	4,980	5,040	
	57	61	60	4,560	4,620	4,680	4,740	4,800	4,860	4,920	4,980	5,040	5,100	
	58	62	61	4,620	4,680	4,740	4,800	4,860	4,920	4,980	5,040	5,100	5,160	
	59	63	62	4,680	4,740	4,800	4,860	4,920	4,980	5,040	5,100	5,160	5,220	
	60	64	63	4,740	4,800	4,860	4,920	4,980	5,040	5,100	5,160	5,220	5,280	
	61	65	64	4,800	4,860	4,920	4,980	5,040	5,100	5,160	5,220	5,280	5,340	
	62	66	65	4,860	4,920	4,980	5,040	5,100	5,160	5,220	5,280	5,340	5,400	
	63	67	66	4,920	4,980	5,040	5,100	5,160	5,220	5,280	5,340	5,400	5,460	
	64	68	67	4,980	5,040	5,100	5,160	5,220	5,280	5,340	5,400	5,460	5,520	
	65	69	68	5,040	5,100	5,160	5,220	5,280	5,340	5,400	5,460	5,520	5,580	
	66	70	69	5,100	5,160	5,220	5,280	5,340	5,400	5,460	5,520	5,580	5,640	
	67	71	70	5,160	5,220	5,280	5,340	5,400	5,460	5,520	5,580	5,640	5,700	
	68	72	71	5,220	5,280	5,340	5,400	5,460	5,520	5,580	5,640	5,700	5,760	
	69	73	72	5,280	5,340	5,400	5,460	5,520	5,580	5,640	5,700	5,760	5,820	
	70	74	73	5,340	5,400	5,460	5,520	5,580	5,640	5,700	5,760	5,820	5,880	
	71	75	74	5,400	5,460	5,520	5,580	5,640	5,700	5,760	5,820	5,880	5,940	
	72	76	75	5,460	5,520	5,580	5,640	5,700	5,760	5,820	5,880	5,940	6,000	
	73	77	76	5,520	5,580	5,640	5,700	5,760	5,820	5,880	5,940	6,000	6,060	
	74	78	77	5,580	5,640	5,700	5,760	5,820	5,880	5,940	6,000	6,060	6,120	
	75	79	78	5,640	5,700	5,760	5,820	5,880	5,940	6,000	6,060	6,120	6,180	
	76	80	79	5,700	5,760	5,820	5,880	5,940	6,000	6,060	6,120	6,180	6,240	
	77	81	80	5,760	5,820	5,880	5,940	6,000	6,060	6,120	6,180	6,240	6,300	
	78	82	81	5,820	5,880	5,940	6,000	6,060	6,120	6,180	6,240	6,300	6,360	
	79	83	82	5,880	5,940	6,000	6,060	6,120	6,180	6,240	6,300	6,360	6,	

[Amendment No. 48]

AMENDING THE REGULATIONS WITH RESPECT TO TRANSMITTING CERTAIN APPOINTMENT PAPERS

By virtue of the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective ten (10) days after the filing of this amendment with the Division of the Federal Register, Volume Five, Section XLIV¹ of the Selective Service Regulations by striking the present Paragraph 562 and inserting in place thereof the following:

562. *Appointment papers to be submitted to the Director.* In connection with each appointment made, other than for local boards, the following papers shall be forwarded by the appointing officer to the Governor, who shall forward them, through the manager of the appropriate United States Civil Service District, to the Director of Selective Service, Washington, D. C., for review and confirmation or disapproval (See also par. 510b):

- a. Copy of appointment notice (par. 560).
- b. Copy of civil service certificate from which selection is made (par. 557) or, if a copy is not available, a reference to the date and number of the certificate and the civil service district issuing same. If appointee is not selected from a civil service certificate there shall be submitted a copy of the district manager's letter of authorization for the appointment.
- c. Fingerprint card (par. 561d).
- d. Job classification sheet, in duplicate (par. 561f).
- e. Application and Personal History Statement (par. 561g).

LEWIS B. HERSHEY,
Deputy Director.

APRIL 23, 1941.

[F. R. Doc. 41-3048; Filed, April 24, 1941;
3:43 p. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 6897 qm-1; O. I. No. 1-41]
SUMMARY² OF COST-PLUS-A-FIXED-FEE
DESIGN AND CONSTRUCTION CONTRACT³

CONTRACTOR: THE RUST ENGINEERING COMPANY, 1000 CLARK BUILDING, PITTSBURGH, PENNSYLVANIA

Fixed-fee: \$68,280.00.

Contract for: The design, engineering and construction (including plant and

equipment layout) of a plant for the manufacture of Shell * * *, including the installation of manufacturing facilities therefor.

Place: Gadsden, Alabama.

Estimated cost of project: \$1,138,000.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: ORD 6798 P-2 3211 A-0141-01.

This contract, entered into this 8th day of October 1940.

Whereas, the Government has entered into a contract with the Lansdowne Steel and Iron Company, hereinafter referred to as the "principal contract", dated October 3, 1940, being Contract No. W-ORD-479, for management service covering supervision, direction and control of the production aspects of the designing, engineering and construction (including plant and equipment layouts) of a plant for the manufacture of Shell * * *, procurement of and supervision of installation of manufacturing facilities; and operation of said Plant; and

Whereas, the parties to said contract contemplated that the Government should enter into this collateral contract for the design, engineering and construction of a plant, including the installation of manufacturing facilities incident thereto, hereinafter described in Article I-A.

Now, therefore, the parties hereto do mutually agree as follows:

ARTICLE I-A. *Description of Plant.* The construction project shall comprise a plant near Gadsden, Alabama, for the forging and machining of Shell, * * *, having an estimated yearly capacity based on working * * * hours per day of * * * such Shell.

ART. I-B. *Statement of Work.* The Contractor shall, in the shortest practicable time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services and do all things necessary for the completion of the following work:

(a) The construction of the plant described in Article I-A hereof, including the installation of manufacturing facilities incident thereto, in accordance with the approved plans and specifications provided for hereinafter.

(b) The furnishing, subject to the approval of the Contracting Officer, of architectural and engineering services, covering the design, preparation of drawings, plans and specifications and field engineering and supervision necessary for the efficient execution and coordination of the construction work (including plant and equipment layouts) and for the installation of the manufacturing facilities incident thereto.

It is estimated that the total cost of the work covered by this contract will be approximately one million one hundred thirty eight thousand dollars (\$1,-

138,000) exclusive of the Contractor's fee.

In consideration for his undertaking under this contract, the Contractor shall receive the following:

- a. Reimbursement for expenditures as provided in Article III.
- b. Rental for Contractor's equipment as provided in Article III.
- c. A fixed fee in the amount of sixty eight thousand two hundred eighty dollars (\$68,280.00) which shall constitute complete compensation for the Contractor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under Article II shall vest in the Government.

Data to be furnished by the Government. The Government shall furnish the Contractor available schedules of preliminary data, layout sketches, the results of the necessary surveys, test borings and foundation exploration, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications.

All drawings, specifications, and blueprints are to become the property of the Government on completion of payments.

ARTICLE IV. *Payments*—1. *Reimbursement for cost.* The Government will currently reimburse the Contractor for expenditures made in accordance with Article III upon certification to and verification by the Contracting Officer of the original signed pay rolls for labor, the original paid invoices for materials, or other original papers. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

2. *Rental for Contractor's equipment.* Rental as provided in Article III for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

3. *Payment of the fixed-fee.* The fixed-fee prescribed in Article IB shall be compensation in full for the services of the Contractor, including profit and all general overhead expenses. Ninety percent (90%) of said fixed-fee shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work and services as

¹ 5 F.R. 3943.

² Collateral Contract to Contract No. W-ORD-479, dated October 3, 1940, between the United States of America and Lansdowne Steel and Iron Company. Published in the FEDERAL REGISTER November 6, 1940.

³ Approved by the Assistant Secretary of War October 16, 1940.

determined from estimates made and approved by the Contracting Officer. Upon completion of the work and its final acceptance, any unpaid balance of the fee shall be paid to the Contractor.

ART. VII. Termination of contract by Government. Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

This contract is authorized by the following laws:

Public, No. 703—76th Congress, approved July 2, 1940.

Public, No. 309—76th Congress, approved August 7, 1939.

Public, No. 667—76th Congress, approved June 26, 1940.

(First Supplemental National Defense Appropriation Act, 1941.)

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-3050; Filed, April 25, 1941;
9:37 a. m.]

[Contract No. W-398-qm-9433; O. I. #2765]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE AUTOCAR COMPANY

Contract for: Tractor-Trucks & Truck Chassis * * *

Amount: \$1,256,340.16.

Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 6th day of February, 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Tractor-Trucks & Truck Chassis * * * Total \$1,256,340.16 for the consideration stated and in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government, as fixed, agreed, and liquidated damages for each calendar day of delay in making delivery, the amount as set

forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof. Liquidated Damages shall be assessed against the contractor in the amount of * * * Dollars per vehicle for each calendar day of delay in making delivery.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Terms of payment: Discount will be allowed for prompt payment as follows: 20 calendar days \$ * * * per truck.

Bond: Performance.

Amount: \$314,085.04.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority AC 30-P-85-3059-A-0705-01 (Net) the available balance of which is sufficient to cover cost of same.

This contract authorized under provisions of Section 1 (a), Act of July 2, 1940, (Public No. 703, 76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-3051; Filed, April 25, 1941;
9:37 a. m.]

[Contract No. W 669 qm-11140; O.I. No. 5999]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: REEVES BROTHERS, INC.

Contract for: Cloth, Cotton, Herringbone Twill.

Amount: \$1,775,200.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this twenty-fourth day of February 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Cotton, Herringbone Twill for the consideration stated totaling one million, seven hundred seventy-five thousand, two hundred dollars (\$1,775,200.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on

such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

Bond: Furnished. Amount, \$355,040.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P2-0240 A 0515-01 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directive No. P-C-219.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-3052; Filed, April 25, 1941;
9:38 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1622-FD]

IN THE MATTER OF J. Q. CLARKE COAL CO.,
INC., REGISTRATION NO. 1618, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the Act) to determine whether or not J. Q. Clarke Coal Co., Inc., a registered distributor, Registration No. 1618, whose address is 111 Marion Street, Buffalo, New York, has violated the Bituminous Coal Code or regulations thereunder in any manner including, but not in limitation thereof, the following:

Section 4 II (h) of the Act, sections (a), (b), and (e) of the agreement executed by J. Q. Clarke Coal Co., Inc., pursuant to the Order of the National Bituminous Coal Commission, dated March 24, 1939, in General Docket No. 12, the

Marketing Rules and Regulations, and §§ 304.12 (b), (1), (2), and (5) and 304.19 (a) of the Rules and Regulations for Registration of Distributors:

(1) By accepting and retaining a discount of 17 cents per net ton from the effective minimum prices for 171 cars of coal produced by the Wheeling Valley Coal Company, a code member, and purchased by it during the period October 1, 1940, to February 4, 1941, both dates inclusive, from the Costanzo Coal Mining Company and resold by it in less than cargo or railroad carload lots and physically handled by it in making such resales.

(2) By accepting and retaining a discount of 17 cents per net ton from the effective minimum prices for 12 cars of coal produced by the Wheeling Valley Coal Company, a code member, and purchased by it during the period October 17, 1940, to February 3, 1941, both dates inclusive, from the Costanzo Coal Mining Company, and resold by it to others than retail dealers, the allowable maximum discount being 12 cents per net ton.

(3) By accepting and retaining a discount of 17 cents per net ton from the effective minimum prices for 13 cars of coal produced by the Grasso Coal Mining Co., a code member, and purchased by it during the period November 29, 1940, to February 4, 1941, both dates inclusive, from C. L. Amos Coal Company, and resold by it in less than cargo or railroad carload lots and physically handled by it in making such resales.

It is ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations For the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, be held on May 13, 1941, at 10 a. m., in Court Room No. 4, New Federal Building, Pittsburgh, Pennsylvania.

It is further ordered, That Chas. O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges alleged herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within ten (10) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the alleged charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: April 23, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3057; Filed, April 25, 1941;
11:35 a. m.]

[Docket No. A-304]

PETITION OF THE PURSGLOVE COAL MINING COMPANY, CODE MEMBER IN DISTRICT NO. 3, FOR A REDUCTION IN THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF ITS PURSGLOVE NO. 2 MINE (MINE INDEX NO. 120) IN SIZE GROUP 10 FOR SHIPMENT INTO MARKET AREAS 2-16, INCLUSIVE, 20, 21 AND 100

ORDER OF THE DIRECTOR DENYING RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on November 2, 1940, by Pursglove Coal Mining Company, a code member in District 3, seeking a modification of the Schedule of Effective Minimum Prices for District No. 3 For All Shipments Except Truck so as to permit the coals of the original petitioner's No. 2 Mine (Mine Index No. 120) in Size Group 10 ($\frac{3}{4}$ " x 0), to deliver into all market areas (except via lake and for special uses) at prices 10 cents below those established for such coals in Size Group 9 ($\frac{3}{4}$ " x 0); and

A joint intervening petition having been filed herein by Davis-Wilson Coal Company and Louise Coal Company, code members in District 3, on November 20, 1940, supporting the original petition and requesting similar relief for their Sewickley coals; and

A joint intervening petition having been filed herein by the Pocahontas Fuel Company, the Pocahontas Corporation, and the Pulaski Iron Company, code members in District 7, on December 11, 1940, supporting the original petition and requesting a like 10-cent differential between the $\frac{3}{4}$ " x 0 and $\frac{3}{4}$ " x 0 sizes produced by the interveners in District 7; and

A hearing having been held before a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division, Washington Hotel, Washington, D. C., on December 16-17, 1940; and

The parties to this proceeding having waived the preparation and filing of a report by the Examiner, and the matter thereupon having been submitted to the Director; and

The Director having made Findings of Fact and Conclusions of Law in this matter, dated April 24, 1941, which are filed herewith;

It is ordered, That the prayer of the original petitioner, Pursglove Coal Mining Company, for relief and the prayers of the interveners, Davis-Wilson Coal Company, et al., and Pocahontas Fuel Company, et al., for affirmative relief, be and the same are, hereby denied.

Dated: April 24, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3060; Filed, April 25, 1941;
11:36 a. m.]

[Docket No. 1623-FD]

IN THE MATTER OF POWER FUEL CO., INC.,
REGISTRATION NO. 7427, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the Act) to determine whether or not Power Fuel Co., Inc., registered distributor, Registration No. 7427, whose address is 1127 Marine Trust Building, Branch Office, Brookville, Pennsylvania, has violated the code or regulations thereunder in any manner including but not in limitation thereof, the following:

Has violated section 4 II (h) of the Act, sections (b) and (e) of the agreement executed by said defendant pursuant to the order of the National Bituminous Coal Commission dated March 24, 1939, Docket No. 12, and the provisions of the Director's order dated October 9, 1940, General Docket No. 19, by selling since September 30, 1940, substantial quantities of coal for shipment by rail, which was produced by H. C. Bonner of Rossiter, Pennsylvania, and R. H. Barraclough of Punxsutawney, Pennsylvania, Code Members, and for which minimum prices have not been established.

It is ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations For the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, be held on May 19, 1941, at 2 p. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Punxsutawney, Pa.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in

such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges alleged herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within ten (10) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the alleged charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: April 24, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3055; Filed, April 25, 1941;
11:35 a. m.]

[Docket No. 1624-FD]

IN THE MATTER OF COAL HILL MINING COMPANY REGISTRATION NO. 1675, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the Act) to determine whether or not Coal Hill Mining Company, registered distributor, Registration No. 1675, whose address is Dubois, Pennsylvania, has violated the code or regulations thereunder in any manner including but not in limitation thereof, the following:

Violation of section 4 II (h) of the Bituminous Coal Act sections (b) and (e) of the agreement executed by said distributor pursuant to the order of the National Bituminous Coal Commission dated March 24, 1939, in Docket No. 12, and the provisions of the order of the

Director in General Docket No. 19, dated October 9, 1940, by selling, since September 30, 1940, substantial quantities of coal for shipment by rail for which minimum prices have not been established, produced by the following:

H. C. Bonner, Rossiter, Pennsylvania.
Godin & Johnson, Houtzdale, Pennsylvania.

Fred Barilar, Anita, Pennsylvania.
Harlam Spencer, Punxsutawney, Pennsylvania.

Nick Farari, Punxsutawney, Pennsylvania.

Ed Carlson, Punxsutawney, Pennsylvania.

It is ordered, That a hearing pursuant to Section 304.14 of the Rules and Regulations For the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, be held on May 19, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Punxsutawney, Pa.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges alleged herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within ten (10) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the alleged charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or

otherwise, and all persons are cautioned to be guided accordingly.

Dated: April 24, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3053; Filed, April 25, 1941;
11:36 a. m.]

[Docket No. 1630-FD]

IN THE MATTER OF BRADFORD COAL COMPANY (R. S. WALKER), DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated Jan. 10, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on Jan. 12, 1941, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on June 2, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the White Swan Hotel, Uniontown, Pennsylvania.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within

such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

By selling coal produced at its Albert Stripping Mine located near Morrisdale, Pa., to Canyon Coal and Coke Company, Uniontown, Pa., as follows:

(1) On October 10, 1940, 55.7 tons of 2" nut and slack at an f. o. b. mine price of \$2.00 per net ton for which the effective minimum f. o. b. mine price was \$2.20 per net ton.

(2) On November 12, 1940, 50.75 tons of run of mine coal at an f. o. b. mine price of \$2.00 per net ton for which the effective minimum f. o. b. mine price was \$2.30 per net ton.

Dated: April 24, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-3056; Filed, April 25, 1941;
11:35 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-205]

IN THE MATTER OF UNITED GAS PIPE LINE
COMPANY

ORDER TO SHOW CAUSE AND FIXING DATE
OF HEARING

APRIL 22, 1941.

It appearing to the Commission that:

(a) United Gas Pipe Line Company has filed with the Commission a schedule of rates and charges, designated in the files of the Commission as United Gas Pipe Line Company Rate Schedule FPC No. 26, which has been supplemented by Supplements Nos. 1 and 2 thereto, and which schedule as supplemented provides

a rate or charge of 30 cents for each thousand cubic feet of natural gas sold to United Gas Corporation for resale in and near the City of Bogalusa, Louisiana, for ultimate public consumption for domestic use;

(b) United Gas Corporation by stock ownership controls the United Gas Pipe Line Company;

(c) On December 18, 1940, United Gas Pipe Line Company filed with the Commission an agreement, dated December 3, 1940, with the City of Picayune, Mississippi, designated in the files of the Commission as United Gas Pipe Line Company Rate Schedule FPC No. 41, providing a rate or charge of 40 cents for each thousand cubic feet of natural gas sold to the City of Picayune for resale in said city for ultimate public consumption for domestic use;

(d) Delivery of such gas to the City of Picayune is to be made at a point which is approximately 10 miles beyond the point where delivery is made to the United Gas Corporation for resale in the City of Bogalusa;

(e) No considerations are set forth in said Rate Schedule FPC No. 26, as supplemented, which would justify the lower rate or charge to the United Gas Corporation;

(f) Section 4 (b) of the Natural Gas Act provides that no natural gas company shall make or grant any undue preference or advantage to any person or subject any person to any undue prejudice or disadvantage, or maintain any unreasonable difference in rates, charges, service, facilities, or in any other respect, either as between localities or as between classes of service;

The Commission, upon its own motion, orders that: United Gas Pipe Line Company, under oath, show cause, if any there be, at a public hearing to be held commencing at 9:30 a. m. (C.S.T.), June 2, 1941, in the Courthouse, in the City of Poplarville, Mississippi, why the rate or charge assessed and collected for natural gas furnished to the United Gas Corporation for resale for ultimate public consumption for domestic use as provided in United Gas Pipe Line Company Rate Schedule FPC No. 26, as supplemented, should not be made available to the City of Picayune, Mississippi.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-3049; Filed, April 25, 1941;
9:37 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-280]

IN THE MATTER OF OGDEN CORPORATION
ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23d day of April, A. D. 1941.

Ogden Corporation, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (b) thereof and Rule U-12B-1 promulgated thereunder, regarding the advance by Ogden Corporation of \$66,000 on open account to its non-utility subsidiary, Mount Olive & Staunton Coal Company, to be used for the purchase of new production machinery and for the acquisition of four hundred acres of additional coal rights adjoining the present facilities of the said Coal Company;

Said declaration having been filed on March 20, 1941, and an amendment thereto having been filed on April 17, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-8 promulgated pursuant to said Act; and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice or, otherwise, and not having ordered a hearing thereto;

The above-named party having requested that said declaration, as filed or as amended, become effective on the earliest possible date; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declaration as amended pursuant to section 12 (b) and Rule U-12B-1 to become effective and being satisfied that the effective date of said declaration as amended, should be advanced;

It is hereby ordered, Pursuant to said Rule U-8 and the applicable provisions of said Act and subject to the terms and conditions and rules prescribed in Rule U-9, that the aforesaid declaration, as amended, be and hereby is permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3054; Filed, April 25, 1941;
11:25 a. m.]